

THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF MISSOURI

Jurisdictional Challenge

UNITED STATES OF AMERICA

PLAINTIFF

VS

Case number 4:10-cr-00131-GAF

Denny-Ray: Hardin

ALLEGED DEFENDANT

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Special appearance

"One supreme Court"
Article 3,

Jurisdictional Challenge to the prosecution/plaintiff
and to the court by special appearance.

An appearance de bene esse is designed to permit a party to a proceeding to refuse to submit his person to the jurisdiction of the court unless it is finally determined that he has forever waived that right. Such an appearance is therefore a special appearance designed to allow the accused to meet and discharge the contractual requirement of making an appearance, and at the same time, to refuse to submit to the jurisdiction of any alleged plaintiff (and therefore of the applicable court), unless and until some judicial department prosecutor makes all disclosures, specifically by producing a complaint

of damage or injury, signed and verified by the injured party.

JUDICIAL COGNIZANCE. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]

The alleged Defendant, on special appearance, challenges, and demands proof of jurisdiction, appearing on the record, of the prosecution/plaintiff to file charges/suit and prosecute. And further the jurisdiction of the court, appearing on the record, in all actions against the alleged defendant.

**VERIFIED NOTICE AND DEMAND AND CONSENT GIVEN TO PRESENT
MAJOR OBJECTIONS TO THE CONTINUING, NON-CONSTITUTIONAL
ACTIONS ABSENT PROOF OF JURISDICTION APPEARING ON THE
RECORD WITH RELIEF BEING TO DISMISS THIS BOGUS ACTION
WITH PREJUDICE**

"Jurisdiction can be challenged at any time," and "Jurisdiction, once challenged, cannot be assumed and must be decided." **Basso v. Utah Power & Light Co. 395 F 2d 906, 910**

"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)

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist." **Stuck v. Medical Examiners 94 Ca 2d 751. 211 P2d 289**

"There is no discretion to ignore that lack of jurisdiction." **Joyce v. US, 474 F2d 215**

Loos v American Energy Savers, Inc., 168 Ill.App.3d 558, 522 N.E.2d 841(1988) "Where jurisdiction is contested, the burden of establishing it rests upon the plaintiff."

Bindell v City of Harvey, 212 Ill.App.3d 1042, 571 N.E.2d 1017 (1st Dist. 1991) "the burden of proving jurisdiction rests upon the party asserting it."

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

"...[H]owever late this objection [to jurisdiction] has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, BEFORE any court can move ONE FURTHER STEP IN THE CAUSE; as any movement is necessarily the exercise of jurisdiction." **RHODE ISLAND v. MASSACHUSETTS, 37 U.S. 657, 718, 9 L.Ed. 1233 (1838).**

"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**

"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

"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 the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8: 331 US 549, 91 K, ed, 1666m 67 S, Ct, 1409

"A departure by a court from those recognized and established requirements of law however close apparent adherence to mere form in methods 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.

"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)

"The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F 2d 416

"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.

"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.

US v Will, 449 US 200,216, 101 S Ct, 471, 66 LEd2nd 392, 406 (1980) Cohens V Virginia, 19 US (6 Wheat) 264, 404, 5LEd 257 (1821)

"When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason."

Tennessee Coal, Iron & R. Co. v. George, 233 U.S. 354 (1914) "... the right to sue depends, venue is no part of a right, and whether jurisdiction exists is to be determined by the law of the state creating the court in which the case is tried. A state cannot create a transitory cause of action and at the same time destroy the right to sue thereon in any court having jurisdiction although in another state."

FOR THE RECORD

Purgatory oath

For the record, I swear before my creator that I am innocent of the charges brought forth against my person.

See...

"A purgatory oath refers to an oath by which a person destroys the presumptions which were against him/her. Such a person is said to purge himself/herself when s/he removes the suspicions which were against him/her. For example, if a person faces contempt for not attending

court as a witness, s/he may purge himself/herself of the contempt by swearing to a fact which is an ample excuse.

A purgatory oath allows defendants to obtain an acquittal by swearing to their own innocence. [United States v. Gecas, 120 F.3d 1419, 1438 (11th Cir. Fla"]

Affirmation

Further, I, the alleged Defendant **Denny-Ray: Hardin,** Sui Juris, Reserving all rights at all times and places, (see **UCC 1-308/1-207**) one of the Sovereign people, a natural, private common **man**, and child of God, within the **Missouri** a republic, A People/Creator/Owner covenant Holder, by birth right and adoption, of the supreme law of the land, the **Declaration of Independence** and subordinate to the dejure **Constitution for the united States of 1789**, and further subordinate to the dejure State Constitution of state in which I live, is giving this non-judicial forum by *special appearance* this VERIFIED NOTICE AND DEMAND AND CONSENT GIVEN TO PRESENT MAJOR OBJECTIONS TO THE CONTINUING, NON-CONSTITUTIONAL ACTIONS ABSENT PROOF OF JURISDICTION APPEARING ON THE RECORD WITH

RELIEF BEING TO DISMISS THIS BOGUS ACTION WITH
PREJUDICE for following, undisputed reasons:

NOTICE of JURISDICTION CHALLENGED
MANDATORY ELEMENTS OF JURISDICTION PRESENTED
PROSECUTION AND THE COURT IS TO PROVE JURISDICTION IN
LIGHT OF THE FOLLOWING.
THIS IS NOT A MOTION

1. Proof of jurisdiction, appearing on the record that the defendant is subject to commercial law and or the **Uniform Commercial Code** in light of the following.

Let it be known to all that I, **Denny-Ray: Hardin** explicitly reserves all of my rights. See **UCC 1-308** which was formally **UCC 1-207**.

"§ 1-308. Performance or Acceptance Under Reservation of Rights.

(a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights

reserved. Such words as "without prejudice," "under protest," or the like are sufficient."

I retain all of my rights and liberties at all times and in all places, **nunc pro tunc** (now for then) from the time of my birth and forevermore. Further, I retain my rights not to be compelled to perform under any contract or commercial agreement that I did not enter knowingly, voluntarily and intentionally. And furthermore, I do not accept the liability of the compelled benefit of any unrevealed contract or commercial agreement. I am not ever subject to silent contracts and have never knowingly or willingly contracted away my sovereignty.

2. Proof of jurisdiction, appearing on the record, of "*facts necessary to give jurisdiction*". See...

"if the record does not show upon its face the facts necessary to give jurisdiction, they will be presumed not to have existed." Norman v. Zieber, 3 Or at 202-03

3. Proof of jurisdiction, appearing on the record.

See...

"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.

4. Proof of jurisdiction, appearing on the record
that the court and the prosecution/plaintiff can
defraud by silence. See...

U.S. v. Tweel, 550 F.2d.297. "Silence can only be equated with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading."

Also see...

"Knowing failure to disclose material information necessary to prevent statement from being misleading, or making representation despite knowledge that it has no reasonable basis in fact, are actionable as fraud under law."

Rubinstein v. Collins, 20 F.3d 160, 1990

5. Proof of jurisdiction, appearing on the record,
to deny the defendant remedy. See...

Von Hoffman v. City of Quincy, 71 U.S. 4 Wall. 535 535 (1866) Page 71 U. S. 551 "Nothing can be more material to the obligation than the means of enforcement. Without the remedy, the contract may, indeed, in the sense of the law, be said not to exist, and its obligation to fall within the class of those moral and social duties which depend for their fulfillment wholly upon the will of the individual. The ideas of validity

and remedy are inseparable, and both are parts of the obligation, which is guaranteed by the Constitution against invasion. The obligation of a contract 'is the law which binds the parties to perform their agreement.' "

Also see...

ENGLISH TORT LAW

61. *Ashby v. White*, (1703) 92 Eng. Rep. 126 (K.B.); BLACKSTONE, *supra* note 59, at 23.

62. 5 U.S. (1 Cranch) 137, 163-66 (1803) ("It is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law, whenever that right is invaded [F]or it is a settled and invariable principle in the laws of England, that every right, when withheld, must have a remedy, and every injury its proper redress.").

6. Proof of jurisdiction appearing on the record, to force the defendant into involuntary servitude. See...

UNITED STATES V. KOZMINSKI, 487 U. S. 931 (1988) "For purposes of criminal prosecution under § 241 or § 1584, the term "involuntary servitude" necessarily means a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury or by the use or threat of coercion through law or the legal process. This definition encompasses cases in which the defendant holds the victim in servitude by placing him or her in fear of such physical restraint or injury or legal coercion."

Also see...

The constitution for the united States 1789, 13th amendment, Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Also see...

The constitution for the united States, 1789,
Preamble

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.

7. Proof of jurisdiction appearing on the record, that the defendant is a person or other legal or commercial entity. See...

UCC 1-201 General Definitions (27) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

Also see...

American Law and Procedure, Vol. 13, page 137, 1910:

"This word 'person' and its scope and bearing in the law, involving, as it does, legal fictions and also apparently natural beings, it is difficult to understand; but it is absolutely necessary to grasp, at whatever cost, a true and proper understanding to the word in all the phases of its proper use ... A person is here not a physical or individual person, but the status or condition with which he is invested ... not an individual or physical person, but the status, condition or character borne by physical persons ... The law of persons is the law of status or condition."

8. Proof of jurisdiction appearing on the record, to force the alleged defendant or other sovereigns to be subject to statutes. See...

US Supreme Court in *Wilson v. Omaha Indian Tribe*, 442 US 653, 667 (1979): "In common usage, the term 'person' does not include the sovereign, and statutes employing the word are ordinarily construed to exclude it."

US Supreme Court in *U.S. v. Cooper*, 312 US 600, 604, 61 S.Ct 742 (1941): "Since in common usage the term 'person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it."

US Supreme Court in *U.S. v. United Mine Workers of America*, 330 U.S. 258 67 S.Ct 677 (1947): "In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so."

US Supreme Court in *US v. Fox*, 94 US 315: "Since in common usage, the term 'person' does not include the

sovereign, statutes employing the phrase are ordinarily construed to exclude it."

U.S. v. General Motors Corporation, D.C. Ill, 2 F.R.D. 528, 530: "*In common usage the word 'person' does not include the sovereign, and statutes employing the word are generally construed to exclude the sovereign."*

Church of Scientology v. US Department of Justice, 612 F.2d 417 @425 (1979): "*the word 'person' in legal terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings., see e.g. 1, U.S.C. § para 1."*

9. Proof of jurisdiction appearing on the record,
in consideration of the defendants' citizenship.

I, **Denny-Ray: Hardin**, am not a United States corporation citizen or a 14th amendment citizen. I am a State Citizen of one of the **several states** of the republic, and **not** as a state of the United States ®. And I reject any attempted expatriation. See **15 united States statute at large, July 27th, 1868** also known as the expatriation statute. Wherefore, it is demanded jurisdiction in light of the following. See..

Foreign Sovereign Immunities Act (FSIA) of 1976
USC TITLE 28 > PART IV > CHAPTER 97

CHAPTER 97—JURISDICTIONAL IMMUNITIES OF FOREIGN STATES
§ 1604. Immunity of a foreign state from jurisdiction
Subject to existing international agreements to which
the United States is a party at the time of enactment
of this Act a foreign state shall be immune from the
jurisdiction of the courts of the United States and of
the States except as provided in sections 1605 to 1607
of this chapter.

Also see...

In **Volume 20: Corpus Juris Sec. § 1785** we find "The
United States government is a foreign corporation with
respect to a State" (see: NY re: Merriam 36 N.E. 505
1441 S. O.1973, 14 L. Ed. 287).

Also see...

DISTRICT OF COLUMBIA (the United States ®) created by
the Congressional act of 1871, which states "...the
District of Columbia, by which name it is hereby
constituted a body corporate for municipal purposes,
and may contract and be contracted with, sue and be
sued, plead and be impleaded ..."

Also see...

*"The idea prevails with some, indeed it has expression
in arguments at the bar, that we have in this country
substantially two national governments; one to be
maintained under the Constitution, with all its
restrictions; the other to be maintained by Congress
outside and independently of that instrument, by
exercising such powers as other nations of the earth
are accustomed to... I take leave to say that, if the
principles thus announced should ever receive the
sanction of a majority of this court, a radical and
mischievous change in our system will result. We will,
in that event, pass from the era of constitutional
liberty guarded and protected by a written constitution*

into an era of legislative absolutism... It will be an evil day for American Liberty if the theory of a government outside the Supreme Law of the Land finds lodgment in our Constitutional Jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution."

--Honorable Supreme Court Justice John Harlan in the 1901 case of *Downes v. Bidwell*.

Also see...

UCC 1-201. General Definitions (38) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

10. Proof of jurisdiction, appearing on the record, that the alleged defendant is a citizen of the United States and not a State Citizen and not a Citizen of the Kingdom Of Heaven. Also see...

TITLE 18 > PART I > CHAPTER 43 > § 911. Citizen of the United States

Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both.

11. Proof of jurisdiction, appearing on the record, of jurisdiction that supersedes ecclesiastical jurisdiction. See...

Robin v. Hardaway 1790. Biblical Law at "Common Law" supersedes all laws, and "Christianity is custom, custom is Law."

Also see...

Public Law 97-280
96 STAT. 1211
97th Congress

Also see...

Psalm 75:7

It is God who judges: He brings one down, he exalts another.

Genesis 1 (New International Version)

¹ In the beginning God created the heavens and the earth.

Isaiah 40:10

See, the Sovereign LORD comes with power, and he rules with a mighty arm. See, his reward is with him, and his recompense accompanies him.

Revelation 19:11

I saw heaven standing open and there before me was a white horse, whose rider is called Faithful and True. With justice he judges and wages war.

Also see...

The constitution for the united States 1789, First amendment,
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.

Also see...

Declaration of Independence, (Adopted by Congress on July 4, 1776)

The Unanimous Declaration of the Thirteen United States of America

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.

12. Proof of jurisdiction, appearing on the record, in the light of the defendant stating reservation of rights, **UCC 1-308/1-207** and Sovereignty and Citizen of the republic, to question this defendants' act of state.

See...

An act of state cannot be questioned or made the subject of legal proceedings in a court of law"
Banco Nacional de Cuba vs. Sabbatino, 376 U.S. 398:
Ricaud vs. American Metal Co., 246 U.S. 304:
Oetjen vs. Central Leather Co., 246 U.S. 297:
F. Palacio y Compania, S.A. vs. Brush, 389 U.S. 830;
256 F. Supp. 481; 375 F.2nd 1011:
Black's Law Dictionary, 6th ed. Pgs. 33-34.

13. Proof of jurisdiction, appearing on the record,
that the alleged defendant cannot have status of
State Citizen. See...

15 united States statute at large, July 27th, 1868 also
known as the expatriation statute.

Also see...

U.S. v. Anthony 24 Fed. 829 (1873) "The term resident
and citizen of the United States is distinguished from
a Citizen of one of the several states, in that the
former is a special class of citizen created by
Congress."

Also see...

"We have in our political system a government of the
United States and a government of each of the several
States. Each one of these governments is distinct from
the others, and each has citizens of it's own..."
United States v. Cruikshank, 92 U.S. 542 (1875)

Also see...

"...he was not a citizen of the United States, he was a
citizen and voter of the State,..." "One may be a
citizen of a State an yet not a citizen of the United
States".
McDonel v. The State, 90 Ind. 320 (1883)

Also see...

"That there is a citizenship of the United States and
citizenship of a state,..."
Tashiro v. Jordan, 201 Cal. 236 (1927)

Also see...

"A citizen of the United States is a citizen of the federal government ..."

Kitchens v. Steele, 112 F.Supp 383

Also see...

State v. Manuel, 20 NC 122: "the term 'citizen' in the United States, is analogous to the term 'subject' in common law; the change of phrase has resulted from the change in government."

Also see...

Jones v. Temmer, 89 F. Supp 1226:

"The privileges and immunities clause of the 14th Amendment protects very few rights because it neither incorporates the Bill of Rights, nor protects all rights of individual citizens. Instead this provision protects only those rights peculiar to being a citizen of the federal government; it does not protect those rights which relate to state citizenship."

Also see...

Supreme Court: US vs. Valentine 288 F. Supp. 957:

"The only absolute and unqualified right of a United States citizen is to residence within the territorial boundaries of the United States."

14. Proof of jurisdiction, appearing on the record, that the alleged defendants' rights can be waived through silence. See...

*Carnley v. Cochran, 369 U.S. 506, 516 (1962),
"Presuming waiver from a silent record is
impermissible. The record must show, or there must be
an allegation and evidence which show, that an accused
was offered counsel but intelligently and
understandingly rejected the offer. Anything less is
not waiver."*

15. Proof of jurisdiction, appearing on the record,
that the alleged defendants' rights are
alienable. See...

"Men are endowed by their Creator with certain
unalienable rights, -'life, liberty, and the pursuit of
happiness;' and to 'secure,' not grant or create, these
rights, governments are instituted. That property [or
income] which a man has honestly acquired he retains
full control of. . ."

[Budd v. People of State of New York, 143 U.S. 517
(1892)]

16. Proof of jurisdiction, appearing on the record,
that the defendant is subject to a commercial
contract to be tried for a commercial crime. See...

UCC 1-308 Reservation of rights

Also see...

27 CFR 72.11

**TITLE 27--ALCOHOL, TOBACCO PRODUCTS AND FIREARMS
CHAPTER I--ALCOHOL AND TOBACCO TAX AND TRADE BUREAU,
DEPARTMENT OF THE TREASURY (CONTINUED)
PART 72 DISPOSITION OF SEIZED PERSONAL PROPERTY--Table
of Contents**

Subpart B Definitions

Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

17. Proof of jurisdiction, appearing on the record, that a states' sovereignty can be surrendered and or surrendered by the

Uniform Commercial Code. See...

"Neither consent nor submission by the states can enlarge the powers of Congress; none can exist except those which are granted. United States v. Butler, 297 U.S. 1, 56 S.Ct. 312, 102 A.L.R. 914, decided January 6, 1936. The sovereignty of the state essential to its proper functioning under the Federal Constitution cannot be surrendered; it cannot be taken away by any form of legislation. See United States v. Constantine, 296 U.S. 287, 56 S. Ct. 223." Ashton v. Cameron County Water Imp. Dist. No. 1, 298 U.S. 513, 531 (1936)

Also see... **Constitution for the united States 1789 article one section 10.**

18. Proof of jurisdiction, appearing on the record.

To deny the alleged defendant the right to
travel. See...

SHAPIRO vs. THOMSON, 394 U. S. 618 April 21, 1969.

"Further, the Right to TRAVEL by private conveyance for private purposes upon the Common way can NOT BE INFRINGED. No license or permission is required for TRAVEL when such TRAVEL IS NOT for the purpose of [COMMERCIAL] PROFIT OR GAIN on the open highways operating under license IN COMMERCE."

Murdock v. Penn., 319 US 105, (1943) "No state shall convert a liberty into a privilege, license it, and attach a fee to it."

"The claim and exercise of a constitutional right cannot be converted into a crime."

Miller v. US, 230 F 486, at 489.

"There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights."

Sherer v. Cullen, 481 F 946.

19. Proof of jurisdiction, appearing on the record,

to convert a liberty into a privilege. See...

Murdock v. Penn., 319 US 105, (1943) "No state shall convert a liberty into a privilege, license it, and attach a fee to it."

Shuttlesworth v. Birmingham, 373 US 262, (1969) "If the state converts a liberty into a privilege, the citizen can engage in the right with impunity."

Miranda v. Arizona, 384 U.S. 436, (1966) "Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them."

20. Proof of jurisdiction appearing on the record, that the court has jurisdiction in which the alleged defendant has been improperly or collusively made or joined to invoke the jurisdiction of the court. Note the all capital commercial name as compared to the upper and lower case sovereign name. Also note the difference between a family name and a last name. Also see...

USC TITLE 28 > PART IV > CHAPTER 85 > § 1359

Parties collusively joined or made

A district court shall not have jurisdiction of a civil action in which any party, by assignment or otherwise, has been improperly or collusively made or joined to invoke the jurisdiction of such court.

21. Proof of jurisdiction, appearing on the record, that the alleged defendant is not sovereign. See...

State v. Manuel, North Carolina, Vol. 20, Page 121 (1838) The sovereignty has been transferred from one man to the collective body of the people - and he who before was a "subject of the king" is now "a citizen of the State".

Also see...

"In the United States the People are sovereign and the government cannot sever its relationship to the People by taking away their citizenship." Afroyim v. Rusk, 387 U.S. 253 (1967).

Also see...

"The People of a State are entitled to all rights which formerly belonged to the King by his prerogative."
Lansing v. Smith, 4 Wendell 9, 20 (1829)

Also see...

In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly acquired by force or fraud or both...In America, however the case is widely different. Our government is founded upon Compact. Sovereignty was, and is, in the People.
Glass v. The Sloop Betsy, 3 Dall 6. (1794)

22. Proof of jurisdiction, appearing on the record, to deprive rights under color of law. See...

USC TITLE 18 > PART I > CHAPTER 13 > § 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or

fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Also see...

Black's Law Dictionary, Sixth Edition, p. 266, ISBN 0-314-76271-X:

color of law: The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." Atkins v. Lanning, D.C.Okl., 415 F.Supp. 186, 188.

23. Proof of jurisdiction, appearing on the record,
to conspire against the rights of the defendant.

See...

**USC TITLE 18 > PART I > CHAPTER 13 > § 241 Conspiracy
against rights**

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Also see...

The court held in *UNITED STATES v. KOZMINSKI*, 487 U.S. 931 (1988) by looking to the meaning of the Thirteenth Amendment in interpreting two enforcement statutes, one prohibiting conspiracy to interfere with exercise or enjoyment of constitutional rights, the other prohibiting the holding of a person in a condition of involuntary servitude. For purposes of prosecution under these authorities, the Court held, "*the term 'involuntary servitude' necessarily means a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.*"

Also see...

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *MIRANDA V. ARIZONA*, 384 U.S. 436, 491. And *"The State cannot diminish rights of the people."* *HERTADO V. CALIFORNIA*, 110 U.S. 516

24. Proof of jurisdiction, appearing on the record, to commit treason. See...

"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." COOPER v. AARON, 358 U.S.

Also see...

COHENS v VIRGINIA 19 U.S. 264, 404, 5 L.Ed. 257, 6 Wheat. 264 (1821), "... [W]hen a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act of treason".

Also see...

**USC TITLE 18 > PART I > CHAPTER 115 > § 2381 Treason
Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.**

25. Proof of jurisdiction, appearing on the record, that the defendant is subject to rules, codes and regulations. See...

"All codes, rules and regulations are applicable to the government authorities only, not Human/Creators in accordance with God's laws. All codes, rules and regulations are unconstitutional and lacking in due process..." *RODRIQUES v RAY DONAVAN* (U.S. Department of Labor), 769 F. 2d 1344, 1348 (1985).

26. Proof of jurisdiction, appearing on the record, of having taken an oath of office.

27. Proof of jurisdiction, appearing on the record, for the court or the prosecution to violate their oaths of office.

"*faithfully perform the duties of his office*" which is to secure defendants unalienable Right to the liberty of ownership of property as per the **Declaration of Independence** secured in the contract known as the **Constitution for the united States of 1789**.

28. Proof of jurisdiction, appearing on the record, to proceed when jurisdiction is challenged. See...
"*[H]owever late this objection [to jurisdiction] has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be*

considered and decided, BEFORE any court can move ONE FURTHER STEP IN THE CAUSE; as any movement is necessarily the exercise of jurisdiction." RHODE ISLAND V. MASSACHUSETTS, 37 U.S. 657, 718, 9 L.Ed. 1233 (1838).

See also...

"... [O]nce 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.

29. Proof of jurisdiction, appearing on the record, the defendant has given consent to anything or anyone to govern him or his private property. See...

AM Jur. 11 §329, Constitutional law Page 1134,
"Moreover the principles that embody the essence of constitutional liberty and security forbid all invasions, on the part of the government and its employees, of the sanctity of a man's home and the privacies of his life".

30. Proof of jurisdiction, appearing on the record that a judgment by this court while not having jurisdiction is binding.

"If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1 Freeman on Judgments, 120-c.)

"A void judgment is no judgment at all and is without legal effect." (Jordon v. Gilligan, 500 F.2d 701, 710 (6th Cir. 1974))

"a court must vacate any judgment entered in excess of its jurisdiction." (Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645 (1st Cir. 1972).)

Flake v Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943)
"the actions, being statutory proceedings, ... were void for want of power to make them." "The judgments were based on orders which were void because the court exceeded its jurisdiction in entering them. Where a court, after acquiring jurisdiction of a subject matter, as here, transcends the limits of the jurisdiction conferred, its judgment is void."

31. Proof of jurisdiction, appearing on the record, in consideration of the following.

BARKER v DIST. COURT, 609 P.2d 628, 199 Colo. 416 (Colo. 04/14/1980) which held quoting IVANHOE LODGE V.

GRAND LODGE, 126 Colo. 515, 251 P.2d 1085 (1952), ". .
 . [A]ctions may be brought only by legal entities and
 against legal entities. There must be some
 ascertainable persons, natural or artificial, to whom
 judgments are awarded and against whom they may be
 enforced."

Also see...

HIDDEN LAKE V. DIST. CT., 183 Colo. 168, 515 P.2d 632
 (1973). "Fictions arise from the law and not the law
 from fictions" "Where there is truth fiction of law
 exist not"

32. Proof of jurisdiction, appearing on the record,
 to deny the people or the defendants sovereignty.

See...

YICK WO v. HOPKINS, 118 U.S. 356 (1886) held: "When we
 consider the nature and the theory of our institutions
 of government, the principles upon which they are sup-
 [118 U.S. 356, 370] posed to rest, and review the
 history of their development, we are constrained to
 conclude that they do not mean to leave room for the
 play and action of purely personal and arbitrary power.
 "...[S]overeignty itself is, of course, not subject to
 law, for it is the author and source of law; but in our
 system, while sovereign powers are delegated to the
 agencies of government, sovereignty itself remains with
 the people, by whom and for whom all government exists
 and acts. And the law is the definition and limitation

of power. It is, indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a government of laws and not of men.' For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.

33. Proof of jurisdiction, appearing on the record, that the defendant is a vessel. See...

USC TITLE 18 > PART I > CHAPTER 1 > § 9. Vessel of the United States defined

The term "vessel of the United States", as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

34. Proof of jurisdiction, appearing on the record, at the common law. See...

Erie Railroad v. Tompkins, 1938 "[t]here is no federal general common law."

Also see...

Article one, section 10, Constitution for the united States 1789 "...silver or gold coin."

35. Proof of jurisdiction, appearing on the record, to impair or force nonexistent obligations to a contract. See...

Constitution for the united States, Article 1, Section 10 (1789) "No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility."

36. Proof of jurisdiction, appearing on the record, at common law. See...

Erie Railroad v. Tompkins, 1938, "[t]here is no federal general common law."

37. Proof of jurisdiction, appearing on the record, at maritime or admiralty law. See...

Erie Railroad v. Tompkins, 1938, "[t]here is no federal general common law."

Also see...

Constitution for the united States, Article 1, Section 10 (1789) "No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility."

38. Proof of jurisdiction, appearing on the record, of any maritime or admiralty contract that the alleged defendant is a part of. See...

Erie Railroad v. Tompkins, 1938, "[t]here is no federal general common law."

Also see...

Article one, section 10, Constitution for the united States 1789 "...silver or gold coin."

39. Proof of jurisdiction, appearing on the record To bind the alleged defendant to a contract that he/she has not made or authorized. See...

Alexander v. Bothsworth, 1915. "Party cannot be bound by contract that he has not made or authorized. Free consent is an indispensable element in making valid contracts."

40. Proof of jurisdiction, appearing on the record, to deprive the defendant of common law rights.

41. Proof of jurisdiction, appearing on the record, to deprive the defendant of common law due process as protected by both the Constitution for the united States and the dejure state constitution.

42. Proof of jurisdiction, appearing on the record, to be above the law. See...

Butz v. Economou, 98 S. Ct. 2894 (1978); United States v. Lee, 106 U.S. at 220, 1 S. Ct. at 261 (1882) "No man [or woman] in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it."

Also see...

When a Citizen challenges the acts of a federal or state official as being illegal, that official cannot just simply avoid liability based upon the fact that he is a public official. In United States v. Lee, 106 U.S. 196, 220, 221, 1 S.Ct. 240, 261, the United States claimed title to Arlington, Lee's estate, via a tax sale some years earlier, held to be void by the Court. In so voiding the title of the United States, the Court declared:

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only

the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.

"Shall it be said... that the courts cannot give remedy when the citizen has been deprived of his property by force, his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights."

Also see...

Pierce v. United States ("The Floyd Acceptances"), 7 Wall. (74 U.S.) 666, 677 ("We have no officers in this government from the President down to the most subordinate agent, who does not hold office under the law, with prescribed duties and limited authority"); *Cunningham v. Macon*, 109 U.S. 446, 452, 456, 3 S.Ct. 292, 297 ("In these cases he is not sued as, or because he is, the officer of the government, but as an individual, and the court is not ousted of jurisdiction because he asserts authority as such officer. To make out his defense he must show that his authority was sufficient in law to protect him... It is no answer for the defendant to say I am an officer of the government and acted under its authority unless he shows the sufficiency of that authority"); and *Poindexter v. Greenhow*, 114 U.S. 270, 287, 5 S.Ct. 903, 912

Also see...

WHEREAS, officials and even judges have no immunity (See, *Owen vs. City of Independence*, 100 S Ct. 1398;

Maine vs. Thiboutot, 100 S. Ct. 2502; and *Hafer vs. Melo*, 502 U.S. 21; officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law, it is ludicrous for learned officials and judges to plead ignorance of the law therefore there is no immunity, judicial or otherwise, in matters of rights secured by the Constitution for the United States of America. See: Title 42 U.S.C. Sec. 1983.

Also see...

"When lawsuits are brought against federal officials, they must be brought against them in their "individual" capacity not their official capacity. When federal officials perpetrate constitutional torts, they do so *ultra vires* (beyond the powers) and lose the shield of immunity." *Williamson v. U.S. Department of Agriculture*, 815 F.2d. 369, *ACLU Foundation v. Barr*, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991).

Also see...

"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (*Gallegos v. Haggerty*, N.D. of New York, 689 F. Supp. 93 (1988)).

43. Proof of jurisdiction, appearing on the record, to deny the first eight amendments of the constitution. See...

Mallowy v. Hogan, 378 U.S. 1 "All rights and safeguards contained in the first eight amendments to the federal Constitution are equally applicable."

44. Proof of jurisdiction, appearing on the record, to not state and prove the jurisdiction taken. See...

The question of jurisdiction in the court either over the person, the subject-matter or the place where the crime was committed can be raised at any stage of a criminal proceeding; it is never presumed, but must always be proved; and it is never waived by a defendant.

[U.S. v. Rogers, 23 F. 658 (D.C.Ark. 1885)]

In a criminal proceeding lack of subject matter jurisdiction cannot be waived and may be asserted at any time by collateral attack.

[U.S. v. Gernie, 228 F.Supp. 329 (D.C.N.Y. 1964)]

Jurisdiction of court may be challenged at any stage of the proceeding, and also may be challenged after conviction and execution of judgment by way of writ of habeas corpus.

[U.S. v. Anderson, 60 F.Supp. 649 (D.C.Wash. 1945)]

45. Proof of jurisdiction, appearing on the record, under the dejure state or federal constitution.

46. Proof of jurisdiction, appearing on the record, to not state jurisdiction on the record.

See...

"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. 538 (1974)

47. Proof of jurisdiction, appearing on the record, of being noncommercial entities. See...

Uniform Commercial code creates a corporate State of the United States, the federal corporation. As opposed to one of the dejure several States. See...

UCC 1-201. General Definitions. (38) "State" means a State of the [corporate] United States,...

As opposed to...

USC TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > § 3002 Definitions (14) "State" means any of the [dejure union states] several States,...

48. Proof of jurisdiction, appearing on the record, in light of the following.

40 USCS 255 is also at **40 USC 3011,3012** see...

TITLE 40 > SUBTITLE II > PART A > CHAPTER 31 >
SUBCHAPTER II > § 3112. Federal jurisdiction

(a) **Exclusive Jurisdiction Not Required.**— It is not required that the Federal Government obtain exclusive jurisdiction in the United States over land or an interest in land it acquires.

(b) **Acquisition and Acceptance of Jurisdiction.**— When the head of a department, agency, or independent establishment of the Government, or other authorized officer of the department, agency, or independent establishment, considers it desirable, that individual may accept or secure, from the State in which land or an interest in land that is under the immediate jurisdiction, custody, or control of the individual is situated, consent to, or cession of, any jurisdiction over the land or interest not previously obtained. The individual shall indicate acceptance of jurisdiction on behalf of the Government by filing a notice of acceptance with the Governor of the State or in another manner prescribed by the laws of the State where the land is situated.

Presumption.— It is conclusively presumed that jurisdiction has not been accepted until the Government accepts jurisdiction over land as provided in this section.

[Federal jurisdiction] " ...must be considered in the light of our dual system of government and may not be extended. . .in view of our complex society, would effectually obliterate the distinction between what is national and what is local and create a completely centralized government." United States v. Lopez, 514 U.S. 549, 115 S.Ct.1624(1995).

"In view of 40 USCS 255, no jurisdiction exists in United States to enforce federal criminal laws, unless and until consent to accept jurisdiction over lands acquired by United States has been filed in behalf of United States as provided in said section, and fact that state has authorized government to take

jurisdiction is immaterial." *Adams v. United States*
(1943) 319 US 312, 87 L Ed. 1421, 63 S. Ct. 1122

49. Proof of jurisdiction, appearing on the record that a commercial entity can detain, imprison, enslave and force into indentured servitude a human being. See...

13th amendment, united States constitution

Also see...

USC TITLE 18 > PART I > CHAPTER 55 > § 1201 Kidnapping

50. Proof of jurisdiction, appearing on the record that a commercial entity can sell penal bonds on human beings and/or sovereign Citizens. See...

13th amendment, united States constitution

Also see...

USC TITLE 15 > CHAPTER 1 > § 17 "The labor of a human being is not a commodity or article of commerce."

Also see...

Palermo protocols United Nations 2000

Also see...

TITLE 18 > PART I > CHAPTER 77 > § 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

51. Proof of jurisdiction, appearing on the record of being above the law. See...

U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 (1882) "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance, with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law are bound to obey it."

52. Proof of jurisdiction, appearing on the record to interface with other than corporate entities. See...

a. "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them." **S.C.R. 1795, Penhallow v. Doane's Administrators 3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54; and,**

b. "the contracts between them" involve U.S. citizens, which are deemed as Corporate Entities:

c. "Therefore, the U.S. citizens residing in one of the states of the union, are classified as property and franchises of the federal government as an "individual entity"", **Wheeling Steel Corp. v. Fox, 298 U.S. 193, 80 L.Ed. 1143, 56 S.Ct. 773**

53. Proof of jurisdiction, appearing on the record that I am the property of the federal government.

See...

*"Therefore, the U.S. citizens residing in one of the states of the union, are classified as property and franchises of the federal government as an "individual entity"", **Wheeling Steel Corp. v. Fox, 298 U.S. 193, 80 L.Ed. 1143, 56 S.Ct. 773***

54. Proof of jurisdiction, appearing on the record that a person is a subject of commerce. See...

Gibbons v Ogden 1824 supreme court "Persons are not the subjects of commerce..."

55. Proof of jurisdiction, appearing on the record of jurisdiction to operate against the alleged defendant in REM, (against a thing).

56. Proof of jurisdiction, appearing on the record, of having jurisdiction over the alleged defendant, a child of God. See...

Robin v. Hardaway 1790. Biblical Law at "Common Law" supersedes all laws, and "Christianity is custom, custom is Law."

57. Proof of jurisdiction, appearing on the record to violate the alleged defendants rights protected by the 4th amendment. See...

The constitution for the united States 1789, Amendment IV,

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

58. Proof of jurisdiction, appearing on the record to violate the alleged defendants rights protected by the 5th amendment. See...

The constitution for the united States 1789, Amendment V,

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

59. Proof of jurisdiction, appearing on the record, to violate the alleged defendants rights protected by the 6th amendment. See...

The constitution for the united States 1789, Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

60. Proof of jurisdiction, appearing on the record, that the alleged defendant cannot stand upon his/her constitutional rights. See...

Hale v. Henkel was decided by the united States Supreme Court in 1906. The opinion of the court states:

"The "individual" may stand upon "his Constitutional Rights" as a CITIZEN. He is entitled to carry on his "private" business in his own way. "His power to contract is unlimited." He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. "His rights" are such as "existed" by the Law of the Land (Common Law) "long antecedent" to the organization of the State", and can only be taken from him by "due process of law", and "in accordance with the Constitution." "He owes nothing" to the public so long as he does not trespass upon their rights."

61. Proof of jurisdiction, appearing on the record, of any corpus delecti and the criminal act committed by the alleged defendant. See...

"Corpus delecti consists of a showing of "1) the occurrence of the specific kind of injury and 2) someone's criminal act as the cause of the injury." Johnson v. State, 653 N.E.2d 478, 479 (Ind. 1995).

"State must produce corroborating evidence of "corpus delecti," showing that injury or harm constituting crime occurred and that injury or harm was caused by someone's criminal activity." Jorgensen v. State, 567 N.E.2d 113, 121.

"To establish the corpus delecti, independent evidence must be presented showing the occurrence of a specific kind of injury and that a criminal act was the cause of the injury." Porter v. State, 391 N.E.2d 801, 808-809.

62. Proof of jurisdiction, appearing on the record, that the claim and exercise of a constitutional right can be converted into a crime.

See...

Miller v. U.S., 230 F.2d. 486,489 *"The claim and exercise of a Constitutional right cannot be converted into a crime."*

63. Proof of jurisdiction, appearing on the record, that the alleged defendant ever knowingly and or willingly surrendered any rights.

"The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government." City of Dallas v Mitchell, 245 S.W. 944

Also see...

Brady v. U.S., 397 U.S. 742, 748, (1970) "Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness."

64. Proof of jurisdiction, appearing on the record that the constitutions meaning can be changed or altered. See...

Mattox v. U.S., 156 US 237, 243. (1895) "We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted."

S. Carolina v. U.S., 199 U.S. 437, 448 (1905). "The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when it was adopted, it means now."

65. Proof of jurisdiction, appearing on the record, to be using a higher law than the constitution. See...

Marbury v. Madison, 5 US 137, (1803) "The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law."

66. Proof of jurisdiction, appearing on the record, that any law repugnant to the constitution is not void. See...

Marbury v. Madison, 5 US 137, (1803) "The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law."

Also see...

Miranda v. Arizona, 384 U.S. 436, (1966) "Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them."

67. Proof of jurisdiction, appearing on the record, that the state can convert a liberty into a privilege, license it, and attach a fee to it." See...

Murdock v. Penn., 319 US 105, (1943) "No state shall convert a liberty into a privilege, license it, and attach a fee to it."

Also see...

Miranda v. Arizona, 384 U.S. 436, (1966) "Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them."

68. Proof of jurisdiction, appearing on the record, that if a state converts a liberty into a privilege, that the citizen cannot engage in the right with impunity." See...

Shuttlesworth v. Birmingham, 373 US 262, (1969) "If the state converts a liberty into a privilege, the citizen can engage in the right with impunity."

Also see...

Miranda v. Arizona, 384 U.S. 436, (1966) "Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them."

69. Proof of jurisdiction, appearing on the record to violate the alleged defendants' rights as protected by the 8th amendment when there is no silver or gold coin. See...

The constitution for the united States 1789, Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Also see...

The constitution for the united States 1789, Article one, Section 10.

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal;

coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

70. Proof of jurisdiction, appearing on the record to have titles of nobility such as "Your Honor", "Esquire" and etc... See...

The constitution for the united States 1789, Article one, Section 10

71. Proof of jurisdiction, appearing on the record, that the alleged defendant literally lives in the fictional "Federal area". See...

Buck Act 1940

USC TITLE 4 > CHAPTER 4 > § 110.

Same; definitions

As used in sections 105-109 of this title-

(d) The term "State" includes any Territory or possession of the United States.

(e) The term "Federal area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency, of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State.

72. Proof of jurisdiction, appearing on the record that the prosecutor/plaintiff's attorney and

judge can hold office in the united States. See
the **13th amendment** also known as the missing
amendment ratified in 1819 and published in...

*Military Laws of the United States; to which is
prefixed the Constitution of the United States.
Compiled and Published under the Authority of the War
Department, 1825, By Trueman Cross. Washington Edward
De Kraftt, printer Chapter one, page 16,*

see...

**The constitution for the united States 1789, 13th
amendment. Ratified 1819**

**"If any citizen of the United States shall accept,
claim, receive, or retain any title of nobility or
honour, or shall without the consent of Congress,
accept and retain any present, pension, office, or
emolument of any kind whatever, from any emperor, king,
prince or foreign power, such person shall cease to be
a citizen of the United States and shall be incapable
of holding any office of trust or profit under them, or
either of them."**

The 13th Amendment was ratified as follows:

Maryland, Dec. 25, 1810	Tennessee, Nov. 21, 1811
Kentucky, Jan 31, 1811	Georgia, Dec. 13, 1811
Ohio, Jan 31, 1811	North Carolina, Dec.23, 1811
Delaware, Feb 2, 1811	Massachusetts, Feb. 27, 1812
Pennsylvania, Feb. 6, 1811	New Hampshire, Dec. 10, 1812
New Jersey, Feb. 13, 1811	Virginia, March 10, 1819
Vermont, Oct 24, 1811	

73. Proof of jurisdiction, appearing on the record, that the prosecution and the court have not been actively abridging the freedom of the people by gradual and silent encroachments. See...

JAMES MADISON, speech in the Virginia Convention, June 6, 1788: "Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people, by gradual and silent encroachments of those in power, than by violent and sudden usurpations.

NOTICE AND DEMAND TO PROVE JURISDICTION

WHEREFORE, it is demanded that this court and the prosecutors, appearing on the record, bring forth its proof and answer each and every one of the foregoing questions within (twenty-four) 24 hours of this filing, on a point-by-point basis, via sworn affidavit, under your full liability, signing under penalty of perjury that the facts contained therein are true, correct, complete and not misleading. Mere declarations are an insufficient response, as declarations permit lying by omission and hearsay, which no honorable draft may contain. Be sure to include all documents and evidence supporting your claims. A non-response and/or failure to provide proof of jurisdiction will constitute agreement that your jurisdiction, charges, and demands brought against **Denny-Ray: Hardin**, sui juris are void, false, fraudulent and treasonous.

Failure and/or refusal to bring forth such 'proof of claim' will place you in dishonor, and thus constitute an admission of false claims, damages and injury to **Denny-Ray: Hardin**, sui juris. And further you have agreed to return all funds and property collected from

Denny-Ray: Hardin, sui juris. And further agreement by you, to dismiss all charges with prejudice. And further, if I am being held, imprisoned or otherwise detained, to release me immediately.

Failure and/or refusal to bring forth such "proof of jurisdiction" is acquiescence, agreement that the court and the prosecution, et al has no jurisdiction and all charges are fraudulent and treasonous without objection.

Silence is Acquiescence/Agreement/Dishonor

YOU HAVE 24 (TWENTY-FOUR) Hours.

TIMELY NOTICE AND DEMAND

HAS BEEN GIVEN YOU!

THIS IS NOT A MOTION!

THIS IS A SELF EXECUTING DOCUMENT!

SUBMITTED BY AFFIDAVIT

Affiant, **Denny-Ray: Hardin**, Sui Juris, a natural Citizen of the republic, living in the republic, a common man of the Sovereign People, does swear and affirm that Affiant has scribed and read the foregoing facts, and in accordance with the best of Affiant's firsthand knowledge and conviction, such are true, correct complete and not misleading, the truth, the whole truth and nothing but the truth.

This Affidavit is dated September 16, 2011

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Denny-Ray: Hardin, Sui Juris

Care of postal service address, **2450 Elmwood Avenue, Kansas City, Missouri** republic, Zip exempt, America without the US corp.®, Phone: **816 231 2258**

NOTARY PUBLIC

STATE Missouri

COUNTY Jackson

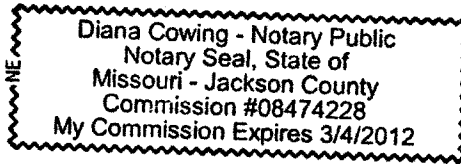
Subscribed and sworn to before Me, a Notary Public, the

above signed Denny-Ray: Hardin

this 16 day of Sept 2011.

[Signature]

Notary Public
My Commission Expires:
3/4/2012



CERTIFICATE OF SERVICE

I, Denny-Ray: Hardin, Sui Juris hereby state that on 16th day of September, 2011 that a original was mailed to the OFFICE OF THE CLERK below and a true and correct copy of the Jurisdictional challenge was mailed to the following created persons:

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
OFFICE OF THE CLERK
400 East Ninth Street
Kansas City, Missouri 64106-0089

Person of BRIAN PATRICK CASEY, US Attorney and Agent
400 East Ninth Street, 5th Floor
Kansas City, Missouri 64106
Phone: (816) 426-4138

PAIGE WYMORE-WYNN
ADMINISTRATIVE OFFICE OF THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI
400 East Ninth Street
Kansas City, Missouri 64106-0089

JAMES C. DUFF
ADMINISTRATIVE OFFICES OF THE US COURTS
One Columbus Circle NE
Washington, DC. 20544

ROBERT LOWNEY
Chief, District Court Administration Division
One Columbus Circle NE
Washington, DC. 20544

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Denny-Ray: Hardin, Sui Juris

NOTARY PUBLIC

STATE Missouri
COUNTY Jackson

Subscribed and sworn to before Me, a Notary Public, the
above signed Denny-Ray: Hardin this 16 day, Sept
Month 2011 Year.

Diana Cowing

Notary Public
My Commission Expires:
3/4/2012

