

District Court of the united States for the Western
District of Missouri

"One supreme Court"
Article 3

FINDING OF MOOT
FINDING OF Fraud, Deceit and Misrepresentation

UNITED STATES OF AMERICA

Plaintiff

VS

Case number 4:10-cr-00131-GAF

Denny-Ray: Hardin
All rights reserved UCC 1-308
Special appearance

ALLEGED DEFENDANT

"One supreme Court"
Article 3,

FINDING OF MOOT
FINDING OF Fraud, Deceit and Misrepresentation

CLERK U.S. DIST. COURT
WEST. DIST. OF MO.
KANSAS CITY, MO.

12 JAN -3 PM 12: 03

RECEIVED

It is now found that the pre-sentencing report that has previously been declared as moot on December 2, 2011 is full of fraudulent, deceitful misrepresentations to further cause injury to the alleged defenant. This pre-sentencing report is moot in light of the following fact that this case has already been closed by the acquiesce of the prosecution, and of the court, by failing to answer the (alleged DEFENDANTS'), self executing jurisdictional challenges (Doc 97 and Doc 183), in the allotted time.

It is further found, that both the prosecutor and the court are in dishonor of their own orders closing the case (Doc 115 and Doc 184). And specifically the release of the private man Denny-Ray: Hardin.

It is further found that on page 2 of the pre-sentencing report that has already been declared moot the following misrepresentations have been stated through fraud and deceit: Investigative Agencies:

It is found that the FBI, US DEPARTMENT OF EDUCATION and the US POSTAL INSPECTOR are all FEDERAL CORPORATE EMPLOYEES. All are found to be without lawful authority and of no law enforcement agency. It is found that the KCPD is a corporate employee of KANSAS CITY who have no first hand knowledge of injury. All of the corporate employees above are not “competant fact witnesses”; all are “heresay witnesses” with no lawful authority.

It is further found that the fraudulent misrepresentations that the alleged defendants is a citizen of the UNITED STATES is without merit.

It is found that on page 4 ,point 1 that the misrepresentation that a warrant was issued for the arrest of the alleged defendant is fraudulent and without merit. It is found that to date no warrant has been produced.

It is found that on page 4 ,point 2 that the fraudulent misrepresentation that the alleged defendant requested to proceed pro se is without merit and that at all times the alleged defendant has proceeded sui juris.

It is found that on page 4 ,point 3 that the fraudulent misrepresentation that a competency hearing was held for the alleged defendant is without merit and that the alleged defendant was denied witnesses and due process of law.

It is found that on page 4 ,point 4 that the fraudulent misrepresentation that the alleged defendant was found competent to proceed after returning from Butner . It is found that Butner found the alleged defendant was never diagnosed as having a dilusional disorder by the state of Missouri as was claimed by Brian Casey and Anita Burns.

It is found that on page 4 ,point 5 that the alleged defendant proceeded sui juris and not pro se. It is further found that the alleged defendant proceeded sui juris after over a year of confinement without the benefit of trial in violation of his rights secured by the sixth amendment.

It is found that on page 4 ,point 6 that the fraudulent misrepresentation that the alleged defendant appeared for arraignment and entered a plea of not guilty is a fraudulent, deceitful misrepresentation and without merit. It is found that Magistrate Robert E. Larsen chose to represent the alleged defendant and practice law from the bench by entering a plea of NOT GUILTY for the alleged defendant; after subjecting the alleged defendant to over a year of cruel and unusual punishment.

It is found that on page 5 ,point 7 that the Chief District Judge Fernando J. Gaitan, Jr. fraudulently dismissed the alleged denfendents pre-trial motions and denied all discovery prior to transferring this cause to District Judge Gary A. Fenner who furthered the conspiracy against rights in regards to the alleged defendant.

It is found that points 9-43 are the private views of the agents of the FBI and have no merit. It is found that the court further denied the alleged defendant of due process of law by continuing to a moot trial based on private views that have no merit in law.

It is found that point 44 clearly states that there are no victims or injured parties in this cause against the alleged defendant.

It is found that on page 13,point 52 that the specific offense characteristics of an intended loss of \$100,000,000 has no merit. It is found that there are no injured parties and that an intended loss of nothing is nothing. It is found that District Judge Gary A. Fenner denied the alleged defendant the right to subpoena records for an audit of his account to disapprove the allegations fraudulently represented by the prosecution and denied the alleged defendant due process of law. It is found that because no loss occurred the 26 points added are clear fraud of what might have occurred. It is found that the

alleged defendant is fraudulently being prosecuted and persecuted for what might have occurred and not what actually occurred. It is found that at all times the alleged defendant was only trying to help the people in settling their debts in the same way the debts were created. It is found that the alleged defendant's intent was to help the people and pay the debt and did not have any intent to defraud. It is found that by denying the alleged defendant the right to subpoena his records District Judge Gary A. Fenner has become counsel for the banks, practicing law from the bench and violated his both his oath of office and canons of law.

It is found that on page 14, point 60 that the alleged defendants total pre-sentencing count is without merit. It is found that in accordance with the Green River ruling that no money exists and thus the 26 points on point 52 are fraudulent and without merit.

It is found that point 65, the revocation of the alleged defendants state probation is bogus and without merit. It is found that the revocation was orchestrated by F.B.I. Agent VanSickle, KCPD Detective Kent Morton and state probation officer Hope Peterson who presented perjured testimony that the alleged defendant filed documents that violated his probation. It is found that the real truth of the filing of the documents can be obtained from the Ray County Courthouse where the person who filed the documents signed for three subpoenas the date they were filed. It is found that the alleged defendant has not ever entered the Ray County Courthouse.

It is found that Point 70 is bogus, fraudulent and without merit (see attached exhibit 1). It is found that the attached affidavit by the alleged defendants attorney-in-fact will show the deceitful practices of the prosecution and investigative officers in this instant case.

It is found that points 71-75 are without merit. It is found there was no prosecution of these points and that no evidence existed to use to prosecute the alleged defendant with.

It is found that point 81 is without merit and that the circuit court transcripts would clear up this fraudulent misrepresentaion.

It is found that points 83-121 were clearly a method utilized to deny the alleged defendant a speedy trial. It is further found that the mental evaluations were used to diminish the fraudulent, deceitful misrepresentaions of the prosecution, court officers and investigative officers in this instant case.

It is further found that to date; no jurisdiction has been stated or proven in this cause and without jurisdiction the alleged defendant has been denied due process of law since May 10, 2010.

Allocution:

During the moot trial the alleged defendant was denied exculpatory evidence such as the court not answering motions, notices, affidavits, allowing witnesses, etc. The alleged defendant has kept a detailed list of such omissions, errors, and due process denial during the trial, especially constitutional guarantees.

FOR THE RECORD YOUR HONOR: I am a Man, living upon the land and speaking as only a Man can. I was created in the image of Yashua under the authority of the redeemer, Jesus Christ with all of My senses intact. I am canceling the conviction and all appearances on My part and now cancel any and all contracts, entered into by Me, knowingly or unknowingly by any methods including but not limited to verbal, by assent, consent, presumption, assumption, deception, threat, duress, coercion, fraud, fiction, fantasy or illusions, or any other method, including words of art, magic, and sophistry, casuistry or out right lying, or by specious acts of fallacious, deceptive, delusive, misleading, apparent, illusive, illusory, ostensible, practice of law.

- (a) These proceedings have failed to produce evidence of an injured party.
- (b) These proceedings have failed to produce an affidavit of verified complaint, or the existence of a complaining party.
- (c) These proceedings have failed to produce an injured party onto the witness stand for

testimony.

(d) These proceedings have failed to produce and to state a claim upon which relief can be granted.

(e) These proceedings have failed to produce an honorable ruling, therefore the court could rule only by an undisclosed presumption of an assumed intention, and this may be deemed the practice of witchcraft by a Satanic Cabal.

(f) These proceedings – and this court – have now lost all jurisdiction by it's denial of due process.

I have not violated Yashua's law. I have not caused an injury to another living man. This would be a violation of the Royal law of love your neighbor as yourself, or man's interpretation "Do unto others as you would have them do unto you". I have not committed a crime, and there is nothing on which to convict Me, thus the conviction is null and void. And, any Bonds affiliated or associated with this case, whether they were issued with the indictment in the form of a bid bond, or as an appearance bond, or as a performance bond which have been written as a result of this procedure – and any other bonds written in any way, shape or form whatsoever – I hereby now cancel, terminate, discharge, dismiss, deactivate, eradicate, nullify, quash, rescind, repeal, revoke, abrogate, abolish, and expunge – and I forbid the commercial use of My name and likeness for profit, as all Bonds created, whether on the record or not, are void ab initio as only I, a Man can cause.

I do not accept any offer to, nor do I give consent to, nor will I go to jail, go to prison, pay or discharge any fines, fees, court costs, nor taxes of any kind.

I do not accept nor consent to have My rights blocked or impeded in any way, shape, or form. I do not accept any offer, nor consent to have My body or possessions seized or confiscated or used by anyone or their agent for their own use, or for the benefit of another. I do not accept any offer nor do I consent to probation, parole, pre- or post-trial release, or any other form of supervision imposed for this matter or in association

with this matter which may be attempted to be linked with or in causation with this matter, or placed twice in jeopardy for the same pretended crime.

I, this man, [Denny-Ray:Hardin], reserve all My natural God-given unalienable birth rights, waiving none, ever – as all is conditional upon My receipt of your written statement of claims and proof of claim to the contrary under your bond of office and penalties of perjury.

My public business here is completed, perfected, discharged, accomplished, dismissed, concluded, terminated and, as Jesus Christ our Lord and Savior stated: FINISHED!

It is so ordered.

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 January 3, 2012

Explicitly All Rights explicitly reserved UCC 1-308/1-207

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 3 day of January 2012 Diana Cowing

Notary Public My Commission Expires: 3/4/2012

Diana Cowing
Diana Cowing - Notary Public
Notary Seal, State of
Missouri - Jackson County
Commission #08474228
My Commission Expires 3/4/2012

CERTIFICATE OF SERVICE

I, Denny-Ray: Hardin, Sui Juris hereby state that on 3 day of January, 2012 that a true and correct copy of this finding of moot, FINDING OF MOOT ,FINDING OF Fraud, Deceit and Misrepresentation was served postage prepaid to the following created persons:

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

THOMAS F. HOGAN
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

Explicitly All Rights explicitly reserved UCC 1-308/1-207



Denny-Ray: Hardin, Sui Juris

December 30, 2011

Affidavit of fraudulent and deceitful misrepresentations by the Investigative Officers that reported information to Sylvia A. Gruenbacher – Senior U.S. Probation Officer in forming the pre-sentencing Investigative Report.

I, Melinda-Sue:Harrington affirm that the following information is true and accurate. As the Attorney-in-Fact for Denny-Ray:Hardin I became concerned with the information outlined in the pre-sentencing investigation report #70. This point stated that Denny-Ray:Hardin had a warrant issued on 12/29/2009 for failure to appear at court on case # MU5A091661 and there was a bond set for \$250 dollars. My concern arose from the fact that Denny-Ray:Hardin was in State Custody and located at the Moberly Correctional Center (CCA) at 5201 S Morley, Moberly, MO 65270 at the time of this incident. Denny-Ray:Hardin had been in state custody since August 12, 2009. The following is a list of all the places that I called in order to find out about this case since no documentation ever was delivered to his home .

1. Freedom Bonding

1132 Oak St. Kansas City, MO.

816-421-3733 spoke to Jo 11:24 a.m.

Could find no warrants issued in regards to Denny-Ray:Hardin. Gave me the number to the next contact listed in number 2.

2. Kansas City Missouri Police-Bond Desk

1125 Locust Street Kansas City, MO.

816-234-5105 11:35 a.m.

Was told they had no information in regards to a bond to be posted for an outstanding warrant.

3. Kansas City Police-East Patrol

5301 East 27th Street Kansas City, MO.

816-234-5530 11:43 a.m.

Ran a check on Denny-Ray:Hardin's social security number, name and date of birth and nothing was found. No outstanding warrants

4. Sylvia A. Gruenbacher – Senior U.S. Probation Officer

Kansas City, MO.

816-512-1311 11:48 a.m.

I called to find out the procedure for getting misrepresented information on the pre-sentencing report corrected. I was told by her that all the information in the report was given to her by the

investigative officers who had performed the investigation during the trial. I was told to send information disputing the statements to the court. I expressed to her that I had not ever had as much as a speeding ticket and after attending the so called trial which closely resembled an inquisition and a witch hunt that I was ashamed of my government .

5. Kansas City Municipal Court
1101 Locust Street Kansas City, MO.
816-513-2700 12:51 p.m.

Spoke to the clerks office. The clerk ran a search and found no pending cases on Denny-Ray:Hardin. Stated they did not recognize the case number as it was not a format they used. Told to contact the circuit court.

6. 16th Judicial Circuit Court of Jackson County
Independence Courthouse Annex- Civil Records
308 W. Kansas 2nd floor Independence, MO.
816-881-4573 1:08 p.m.

Spoke to the clerks office. She looked up Denny's name, social and date of birth and found no record of any court hearing he had missed. She also did not recognize the case format and told me to contact the court administrators office and gave me the number for the contact in #7.

7. Jackson County Municipal Court Administrator
Independence Courthouse Annex
308 W. Kansas Independence, MO
816-881-1697 1:15 p.m.

Spoke to the municipal court administration office and they did not recognize the case format number. Said they had no issues with Denny-Ray:Hardin. Told me to contact circuit court criminal division.

8. 16th Judicial Circuit Court of Jackson County
Independence Courthouse Annex- Criminal Records
308 W. Kansas Independence, MO.
816-881-4500 1:17 p.m.

Spoke to the clerks office. Again no recognition of the case number as it is not a format they use. Checked the files for anything pending for Denny and found nothing. She transferred me to Sheriff's Department and I was given the following numbers 816-881-4501 and 816-881-4445 in case the call was disconnected. Sheriff's department had no knowledge of the case number or any issues with Denny-Ray:Hardin. Told me to contact the Missouri Highway Patrol.

9. Missouri State Highway Patrol General Headquarters.
1510 East Elm Street. Jefferson City, MO 65102 .
573- 751-3313 1:33 p.m.

Spoke to the Highway Patrol and yet again they had no recognition of the case number. Checked their files and have no pending issues with Denny.

10. Kansas City Police-East Patrol
5301 East 27th Street Kansas City, MO.
816-234-5530 5:10 p.m.

Called to find out if I could get a report since it was after 5 p.m. Went to this address and spoke to the Officer at the front desk . Showed her a copy of the pre-sentencing report in regards to charges and warrant listed on number #70. She ran Denny Ray Hardin's social and date of birth and found no outstanding warrants of any kind. I then spoke to the Sergeant on duty and she researched for 45 minutes and could find nothing. I was told that if a warrant was issued while he was still in custody it would still be outstanding . I was told to print off the cases listed on CASENET and if it is not listed on CASENET then it does not exist.

The report shows the Kansas City Police Department as the Agent that the investigators received this information from. I have spoken directly to all the Departments above and yet not one of them use the format listed as the case number. Each and every one of the departments stated to me that the case number is not a format they use. This reporting is a fraudulent, deceitful, misrepresentation that has been reported to clearly put untruths into the record and cause Denny-Ray:Hardin more injury and reflect him in a haneous nature. I contend that if the investigative reporters of these so called facts would lie about something as trivial as a \$250 bond then that leaves serious doubt as to the legitimacy of truth in other statements throughout the rest of the so called reported facts. Below are a few more points that are on the pre-sentencing report that I have first hand personal knowledge about that I contend are also fraudulent, decitful misrepresentaions and could have only been reported to inflict harm on Denny-Ray:Hardin.

Point #2 states that Denny-Ray:Hardin was arrested upon his release from the custody of the Missouri Department of Corrections. Yet fact is according to all the paperwork that was released to me by the Moberly Correctional Center the department of corrections released Denny on May 9, 2010 and the Moberly Correctional Center held Denny until the 10th when Agent VanSickle picked him up.

Point#5 I have in my possession a copy of all filings Denny-Ray:Hardin has filed in this cause and not a single one has been filed Pro Se. All have been filed sui juris.

Point # 12 This point states that Denny-Ray:Hardin was told repeatedly that BPN's were illegal and states that Denny stated he understood and would stop. This is a false statement. When the search warrant was conducted at 2450 Elmwood I was standing beside Denny when he was speaking to the agents. Denny asked point blank if he had violated or broken any laws and the agents there told him "not that I am aware of ". It also states that Denny did not comply with the terms of his probation and it was revoked. I was in attendance at his probation revocation hearing. I set in the gallery and witnessed Agent Van Sickle and other agents I recognized from the invasion of his home exit the judges chambers before the hearing started and the judge entered the courtroom. I took the stand and testified that the document in question ;that was the cause for the revocation hearing; was filed by me at the Ray County Courthouse for my sister Teresa Senciboy whom was in the hospital. This can be documented through the courthouse since I also picked up 3 blank subpeona's for her the same day and was asked to sign a paper stating I was acquiring them for her. I had two other witnesses with me that day.Denny-Ray:Hardin DID NOT FILE any documentation or court filings for Teresa Senciboy

Point# 19 States that Denny attempted to defraud creditors by presenting the BPN for value, much like a bad check. When in fact a bad check is in fact payment for something the person received that has a value. This is yet another fraudulent misrepresentation. If I go to the grocery store and purchase groceries and pay for it by check that I know will not be covered than that is defrauding the grocery store of the value of thegroceries I received. What value did Denny-Ray:Hardin receive from any of the creditors in exchange for any of the BPN'S? Nothing. So how can a BPN have been presented much like a bad check when there was nothing of value exchanged?

Point # 22 Denny-Ray:Hardin does not now or at anytime has he operated the website www.americansrepublicparty.org . He is not the registered agent for the website and does not pay for the website. Denny-Ray:Hardin is not the only one whose documentation is posted on this website. He has not now or at anytime had control of what does or does not get posted on the website. I myself have at times had a gym membership and have stated that was my gym. But that does not in any shape or form mean I own or operate the gym.

Point # 23 This again is fraudulent misrepresentation as to who lawfully owns and operates the website www.americansrepublicparty.org. In court witnesses for the prosecution and the prosecutor have stated several different people that they claim may or may not have ownership and or pay for the site. None of which were Denny-Ray:Hardin. I contend that if the investigation was done in a true light they could present factual truthful evidence as to the real ownership and who actually operates the site. Truth is not important in this cause; only fraudulent, deceitful misrepresentations to obtain a conviction.

Point # 25 This point states that several items were recovered from the residence of Denny-Ray:Hardin including marijuana, and various ammunition. This does not reflect that the ammunition was so old it was rusted or in paper cartridges and was recovered from an old china cabinet where numerous miscellaneous old letters were piled on top of it. None of this ammunition would even be useable in any weapon. The so called marijuana that is claimed to be recovered was in fact herbal tea that I had purchased the day before from the Phoenix Herb store to help me with a sinus problem. If in fact marijuana was recovered from the residence than why was Denny-Ray:Hardin's state probation not revoked for possession of an illegal substance. I contend this is another fraudulent misrepresentation to reflect Denny as a threat to society

Point# 27 (F) This point states that Denny-Ray:Hardin made statements to James Harrington, Teresa Senciboy and Gordon Senciboy which are at best fabricated again to promote hearsay evidence by the prosecution. I speak directly with all three of these people as James is my father, Teresa is my sister and Gordon is my brother-in-law and I know for a fact that none of them even are aware of the FTC; let alone remember it to state as testimony to the prosecution. Unlike the testimony of the prosecution, what they have stated directly to me is not hearsay. Teresa Senciboy was called to testify for the prosecution. Teresa Senciboy told me directly she was threatened by Brian Casey that she would testify, and that he only wanted her to answer yes or no ,and not elaborate on any answer , but he decided not to use her for testimony because she would state the truth on the stand. Leaves a question in my mind as to why didn't he use her since two of the counts are directly related to events surrounding and involving her?

Point # 31 This point makes statements regarding the post office and mail fraud. But in fact did not the post office contribute to this when the post office is the one that gave him the registered stickers. The post office was informed of exactly the use for them and handed roll after roll to Denny to use. In fact ; did the post office not profit by hundreds of dollars from all the mailings? I contend that if the prosecution claim Denny has committed mail fraud; then the agents working at the post office aided and abetted that fraud. Why are none of them being prosecuted?

Point # 34 This point states that I, Melinda-Sue:Harrington ultimately wrote a check to pay of the bad check debts to Ray County for my sister Teresa Senciboy. This is not only a fraudulent, deceitful misrepresentation but an OUTRIGHT LIE! I attended court with my sister and we walked across the street to the Bank of America because I had a bank account there and could obtain a certified check. I in no way paid for the certified check. My sister Teresa Senciboy paid for the certified check. We just obtained it there because I had an account and could get access to a certified check. I was at that time on unemployment. The prosecution wants this stated to try to promote me as a conspirator when it fact I was just helping my sister obtain a check that she paid for so we didn't have to drive several miles to get a money order. At no time have I ever wrote a check for any bad check debts for my sister.

Point # 35 This statement is yet again a fraudulent, deceitful misrepresentation. John Senciboy; my ex-brother-in-law stated in court while testifying that he has not ever paid Denny any money or had been injured in any way by Denny. I am sure the court transcripts reflect his testimony so this statement can only be reported to cause further injury to Denny .

Point #43 Again the fraudulent misrepresentation that Denny was told that the BPN'S were illegal. I state again that I was present and standing side by side with Denny when the agents told him that he had not violated or broken any laws.

Point # 44 under application note 3(A)(ii), Intended Loss.—"Intended loss" (I) means the pecuniary harm that was intended to result from the offense; and (II) includes intended pecuniary harm that would have been impossible or unlikely to occur (e.g., as in a government sting operation, or an insurance fraud in which the claim exceeded the insured value). 3(A)(iii) Pecuniary Harm.—"Pecuniary harm" means harm that is monetary or that otherwise is readily measurable in money. Accordingly, pecuniary harm does not include emotional distress, harm to reputation, or other non-economic harm. How could Denny-Ray:Hardin cause any "Intended Loss" as defined by pecuniary harm when it is measurable in money and again only Chuck Annis, and no other Institutions ,or people have stated on the stand under the penalty of perjury, or by signed complaint under the penalty of perjury that he caused ,or that they thought he intended to cause them any monetary loss measurable by money. In fact how can there be any monetary loss or intended loss by paying off a debt obligation in the same way that debt obligation was created., by promissary note? In fact are not all debt obligations paid off by even more debt obligations called Federal Reserve Notes that are by definition of US Code are not lawful money ,and can be exchanged for lawful money at the Treasury Department of the United States? So there can be no monetary loss intended or otherwise for a debt that can only be paid by another debt instrument. Also the US Code at 12 USC 378 states that it is unlawful to prevent a private bank from issuing notes- the provisions of this paragraph shall not prohibit national banks or State banks or trust companies (whether or not members of the Federal Reserve System) or other financial institutions or private bankers from dealing in, underwriting, purchasing, and selling investment securities, or issuing securities

SUBCHAPTER XII > § 411

§ 411. ISSUANCE TO RESERVE BANKS; NATURE OF OBLIGATION; REDEMPTION

Federal reserve notes, to be issued at the discretion of the Board of Governors of the Federal Reserve System for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are authorized. The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. **They shall be redeemed in lawful money on demand**

at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank.

Point # 46 This point states that a recorded telephone conversation between Denny and I when he was in state custody he stated all lawyers and judges should be put in jail or killed. This is a deceitful, fraudulent misrepresentation as the recording was a call that transpired over several minutes and the prosecution took this statement out of context . I contend the prosecution did not want all of the conversation heard and the contend heard in its honest factual context.

Point # 48 Denny and I have had numerous conversations and this statement has no factual basis. Denny has told me directly that he wants to go back to carpentry when he comes home. That he just wants to live out his life going to work each day as a trim carpenter and coming home to enjoy the evenings with me and our dogs.

Point #52 In accordance with the 2011 Federal Sentencing Guidelines Manual at **§2B1.1(b)(1)(N)** as stated on this point the Offense level computation is fraudulently misrepresented. As viewed in the (attached exhibit 2) the guideline states not a word in regards to an intended economic offense. It is clearly states if the loss exceeds \$5000 , increase the offense level as follows: **An intended offense is not an actual offense and is in fact NO OFFENSE AT ALL.** It was clearly stated by the only two witnesses the prosecution had on the stand that the ACTUAL LOSS that was testified to was only \$400 Chuck Annis stated he lost \$400 and all other witnesses stated that they did not believe it was Denny's intention to defraud them, or that they had not paid anything. Even the bankers that the prosecution called to the stand stated while on the witness stand that Denny had not injured them personally or caused any injury to the bank. So in fact according to the factual statements and not what the prosecution claims the intended economic loss of the offense should be calculated according to **§2B1.1(b)(1)(A)**. Which states \$5000 or less no increase.

Points # 63,64,71, 72 In accordance with the 2011 Federal Sentencing Guidelines Manual at **§4A1.2(e)(1)** within 15 years, and **(2)** within 10 years, yet the prosecution chose to report these to air past events that happened in Denny-Ray:Hardin's life. I question what the motive was ? If the prosecution understands the written law then they understand none of these would count and chose to report them to further cause injury to Denny-Ray:Hardin.

Point # 70 was addressed in the beginning of this document and is a fraudulent, deceitful misrepresentation done to inflict harm with malice and intent and I contend it should be investigated as to who fabricated this case and outright lie.

Point # 73 is another point that was brought up that does not count and is past the guideline times. Denny-Ray:Hardin was never charged and the prosecution only brought this up to inflict more harm. I speak to Christina Hardin on a daily basis and the reporting that she was spoken to as an adult is another outright lie. I myself was molested as a child and to this day can remember every single moment as if it happened yesterday. So I contend that to report the lie that Christina was spoken to as an adult and did not remember is a total fabrication that was done with malice and intent to further harm Denny-Ray:Hardin and also harm his daughter Christina Hardin. I am sure Denny-Ray:Hardin is not the only father to ever have a disgruntled teenager lashing out because they were mad they did not get their way. Not only is bringing this issue up ethically wrong ;it is morally wrong to bring up past events that have caused both father and daughter more injury.

Point # 77 The statement that Denny-Ray:Hardin does not keep in contact with his sister in Texas is a fraudulent misrepresentation. His Ssister Linda Tibbs flew to Durham, North Carolina a week before Christmas in 2010 and met me and a friend. We drove to Butner, North Carolina and visited Denny for 3 days. I speak to his sister on a weekly basis to keep her updated as to his well being.

Point # 81 In regards to this point and the tattoo's; the tattoo that states "Born to raise hell" is misrepresented. Denny had this saying crossed out years ago and in its place reads "Bring Peace". The tattoo on his back is of a rattlesnake with a sun behind it. It reads AMERICAN across the top but it is a fraudulent misrepresentation that anywhere on his back does it state "Don't tread on me". I was with Denny-Ray:Hardin when this tattoo was being created and I know for a fact exactly what is on his back.

Point # 82 The statement that Denny has no known health problems in association with the beating he suffered at Butner is another misrepresentation. To this date the side of his face where he suffered the most damage by his jaw has no feeling and is numb all the time. He aslo suffers with problems surrounding one of his shoulders. These are all a direct result of his beating.

Point # 86 The misrepresentation on this point is the statement that Denny-Ray:Hardin made vaguely threatening statements when the judge had him removed; yet the court transcripts state otherwise from testimony of that same judge.

Point # 125 In regards to the statement that Denny-Ray:Hardin stated he did not have a GED is a misrepresentation. I personally mailed a copy of the GED that was issued him from the Department of Education to him while he was at the Moberly Correctional Center in 2009.

Point # 131 to date Denny and I have discussed that when he comes home he will go back to work as a trim carpenter.

These are the most important points that I know have misrepresentations in them . The presentencing report makes assumptions that Denny-Ray:Hardin holds commercial law above all other law; which is a fraudulent misrepresentation. From the first day that I met Denny and to this date he has always stated that he holds the rights secured by the constitution for the united States of America as the supreme law of the land. And above that God's law . It is stated in the report that he believes that his affidavits should be rebutted point by point. I ask why would the prosecution not want to answer them point by point unless there was something to hide?

I state the following :

The foundation of the Uniform Commercial Code (U.C.C.) is Commercial Law. The foundation of Commercial Law is based upon certain universal, eternally just, valid, moral precepts and truths. The basis of Commercial Law is the Law of Exodus (i.e. The 10 Commandments) of the Old Testament and Judaic(Mosaic) Orthodox Hebrew Commercial law. The Laws of Commerce have remained unchanged for at least six thousand years and form the basis of western civilization, if not all nations.

Truth is expressed in the form of an Affidavit. See Lev. 5:4-5; Lev.6:3-5; Lev. 19:11-13; Num. 30:2; Matt. 5:33; James 5:12.

An unrebutted affidavit stands as truth in commerce. See 1 Pet.1:25; Heb. 6:13-15. Legal maxim: "He who does not deny, admits."

An unrebutted affidavit becomes a judgment in commerce. See Heb. 6:16-17. Any proceeding in court, tribunal, or arbitration forum consists of a contest, or "duel," of commercial affidavits wherein the points remaining unrebutted in the end stand as the truth and the matters to which the judgment of the law is applied.

As you can see these statements come directly from the source that the laws secured by the constitution for the united States of America and the Bill of rights are derived from.(i.e, the Bible)I have been to every hearing and trial in this instant cause and have watched as I witnessed Denny-Ray:Hardin be denied due process of law.I have witnessed biased and prejudicial conduct in the courtroom, and have been personally threatened by the prosecution and followed while traveling in my car by unknown persons to the point I was in fear of my life. All of the facts above show that the prosecution is not beyond obtaining a conviction at any cost and are not held accountable to the supreme law of the land; or any law. Murderers are subjected to serving less time than what the prosecution wants Denny to serve

SUBMITTED BY AFFIDAVIT

Affiant, Melinda-Sue:Harrington, Sui Juris, a natural Citizen of the republic, living in the republic, a common woman of the Sovereign People, 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. **So Help Me God!** The right to amend is reserved in order for the truth to be clearly stated.

This Affidavit is dated January 3, 2012

Explicitly All Rights explicitly reserved UCC 1-308/1-207

Melinda-Sue:Harrington
Melinda-Sue:Harrington, Sui Juris
Explicitly All Rights explicitly reserved UCC 1-308/1-207

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 Melinda-Sue:Harrington

this 3 day of January, 2012
Diana Cowing
Diana Cowing

Notary Public My Commission Expires: 3/4/2012

Diana Cowing - Notary Public
Notary Seal, State of
Missouri - Jackson County
Commission #08474228
My Commission Expires 3/4/2012



Name Search Results by Case
All Participating Courts

Displaying 1 thru 8 of 37 records returned for parties with a name of **HARDIN, DENNY** for All case types in ALL court locations.

1 2 3 4 5

Party Name	Case Number	Party Type	Style of Case	Case Type	Filing Date
Address on File		Circuit	County	Location	
HARDIN, DENNY	16CV98-07016	Defendant	CITY OF KANSAS CITY MIS V DENNY HARDIN	AC Misc Associate Civil-Other	03/16/1998
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY	16DR97-02681	Respondent	STATE OF MISSOURI V DENNY HARDIN	CC CS Administrative Order	03/10/1997
		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY	03CV231762	Defendant	CAPITAL ONE V DENNY HARDIN	AC Suit on Account	11/12/2003
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Independence)	
HARDIN, DENNY	03CV231762	Defendant Acting Pro Se	CAPITAL ONE V DENNY HARDIN	AC Suit on Account	11/12/2003
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Independence)	
HARDIN, DENNY	03CV231762-01	Defendant Acting Pro Se	CAPITAL ONE V DENNY HARDIN	AC Suit on Account	12/28/2005
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Independence)	
HARDIN, DENNY	04FC211263	Petitioner	DENNY HARDIN V CARLA HARDIN	FC Dissolution- w/o Children	10/26/2004
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY	0516-CV14755	Defendant	DEBTWRIGHT V DENNY HARDIN	AC Suit on Account	06/03/2005
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Independence)	
HARDIN, DENNY R	16CV91-07821	Defendant	STATE OF MISSOURI V DENNY HARDIN	CC CAFA Forfeit 513.600-513.64	03/26/1991
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	

Displaying 1 thru 8 of 37 records returned for parties with a name of **HARDIN, DENNY** for All case types in ALL court locations.

1 2 3 4 5



Name Search Results by Case
All Participating Courts

Displaying 9 thru 16 of 37 records returned for parties with a name of **HARDIN, DENNY** for All case types in ALL court locations.

1 2 3 4 5

Party Name	Case Number	Party Type	Style of Case	Case Type	Filing Date
Address on File		Circuit	County	Location	
HARDIN, DENNY R	<u>16CV90-11286</u>	Defendant	MILDRED TUCCILLO V DENNY HARDIN ET AL	AC Landlord Complaint	05/01/1990
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	<u>16CV90-18495</u>	Defendant	SEARS, ROEBUCK & COMPAN V DENNY HARDIN	AC Breach of Contract	07/13/1990
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	<u>16CV92-18868</u>	Plaintiff	DENNY HARDIN V STATE OF MISSOURI	CC Motn, Rules 29.15 or 24.035	08/13/1992
CAMERON, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	<u>16DR94-08008</u>	Petitioner	DENNY HARDIN V SHERRIE HARDIN	FC Dissolution- w/o Children	08/24/1994
		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	<u>0616-CR01640</u>	Defendant	ST V DENNY R HARDIN	Criminal/Infract.-see Charges	03/10/2006
KANSAS CITY, MO		Circuit 16	Jackson	Kansas City Criminal/Traffic	
HARDIN, DENNY R	<u>0616-CR01640-01</u>	Defendant	ST V DENNY R HARDIN	Criminal/Infract.-see Charges	04/21/2006
KANSAS CITY, MO		Circuit 16	Jackson	Kansas City Criminal/Traffic	
HARDIN, DENNY R	<u>0716-CR02355</u>	Defendant	CITY V DENNY R. HARDIN	Criminal/Infract.-see Charges	04/30/2007
KANSAS CITY, MO		Circuit 16	Jackson	Kansas City Criminal/Traffic	
HARDIN, DENNY R	<u>16CR91002596</u>	Defendant	ST V DENNY R HARDIN	Criminal/Infract.-see Charges	06/07/1991
KANSAS CITY, MO		Circuit 16	Jackson	Kansas City Criminal/Traffic	

Displaying 9 thru 16 of 37 records returned for parties with a name of **HARDIN, DENNY** for All case types in ALL court locations.

1 2 3 4 5



Name Search Results by Case
All Participating Courts

Displaying 17 thru 24 of 37 records returned for parties with a name of HARDIN, DENNY for All case types in ALL court locations.

1 2 3 4 5

Party Name	Case Number	Party Type	Style of Case	Case Type	Filing Date
Address on File		Circuit	County	Location	
HARDIN, DENNY R	16T020107400	Defendant	ST V DENNY R HARPIN	AC TR State Traffic Ticket	06/05/2001
KANSAS CITY, MO		Circuit 16	Jackson	Independence Criminal/Traffic	
HARDIN, DENNY R	00CV201952	Plaintiff Acting Pro Se	DENNY R HARDIN V STATE OF MISSOURI	CC Declaratory Judgment	01/19/2000
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	07AC-CC00535	Petitioner Acting Pro Se	DENNY HARDIN V STATE OF MISSOURI	CC Other Miscellaneous Actions	06/19/2007
KANSAS CITY, MO		Circuit 19	Cole	Circuit Division	
HARDIN, DENNY R	07AC-CR02158	Defendant	ST V DENNY R HARDIN	Criminal/Infraction-see Charges	06/29/2007
KANSAS CITY, MO		Circuit 19	Cole	Circuit Division	
HARDIN, DENNY R	03CV214975	Defendant	FORD MOTOR CREDIT COMPANY V DENNY R HARDIN	CC Replevin	06/10/2003
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	03CV214975	Defendant Acting Pro Se	FORD MOTOR CREDIT COMPANY V DENNY R HARDIN	CC Replevin	06/10/2003
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	03FC209757	Petitioner Acting Pro Se	DENNY HARDIN V CARLA HARDIN	FC Dissolution- w/o Children	09/05/2003
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	0516-CV32304	Plaintiff Acting Pro Se	THE PEOPLE OF MISSOURI ET AL V STATE OF MISSOURI	CC Other Tort	10/05/2005
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	

Displaying 17 thru 24 of 37 records returned for parties with a name of HARDIN, DENNY for All case types in ALL court locations.

1 2 3 4 5



Name Search Results by Case
All Participating Courts

Displaying 25 thru 32 of 37 records returned for parties with a name of HARDIN, DENNY for All case types in ALL court locations.

1 2 3 4 5

Party Name	Case Number	Party Type	Style of Case	Case Type	Filing Date
Address on File		Circuit	County	Location	
HARDIN, DENNY R	<u>0716-CV06530</u>	Plaintiff Acting Pro Se	DENNY R HARDIN V STATE OF MISSOURI ET AL	CC Other Miscellaneous Actions	03/15/2007
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY R	<u>0816-CV00709</u>	Plaintiff Acting Pro Se	DENNY R HARDIN V JACKSON COUNTY MISSOURI	CC Other Tort	01/17/2008
KANSAS CITY, MO		Circuit 16	Jackson	Circuit Division (Independence)	
HARDIN, DENNY R.	<u>SC90477</u>	Appellant	STATE OF MISSOURI, RES V DENNY R HARDIN, APP	AP Criminal Appeal Circuit	11/12/2009
MOBERLY, MO		Supreme Court of Missouri	Supreme Court of Missouri	Supreme Court	
HARDIN, DENNY R.	<u>SC83774</u>	Appellant Acting Pro Se	DENNY R HARDIN, APP V STATE OF MISSOURI, ET AL, RES	AP Tran to SC- Post Opinion	07/10/2001
MOBERLY, MO		Supreme Court of Missouri	Supreme Court of Missouri	Supreme Court	
HARDIN, DENNY R.	<u>SC88693</u>	Appellant Acting Pro Se	STATE OF MISSOURI, RES V DENNY HARDIN, APP	AP Tran to SC- Post Opinion	08/03/2007
MOBERLY, MO		Supreme Court of Missouri	Supreme Court of Missouri	Supreme Court	
HARDIN, DENNY R.	<u>WD59183</u>	Appellant Acting Pro Se	DENNY HARDIN, APL PRO SE V STATE OF MO, ET AL, RES	AP Civil Appeal Circuit	10/24/2000
ST JOSEPH, MO		Western District Ct of Appeal	Western District Ct of Appeals	Western Appellate	
HARDIN, DENNY R.	<u>WD64440</u>	Appellant Acting Pro Se	CAPITOL ONE BANK, RES V DENNY HARDIN, APLP	AP Civil Appeal Circuit	08/09/2004
ST JOSEPH, MO		Western District Ct of Appeal	Western District Ct of Appeals	Western Appellate	
HARDIN, DENNY R.	<u>WD67327</u>	Appellant Acting Pro Se	STATE OF MO, RES V DENNY R HARDIN, APLP	AP Criminal Appeal Circuit	08/22/2006
ST JOSEPH, MO		Western District Ct of Appeal	Western District Ct of Appeals	Western Appellate	

Displaying 25 thru 32 of 37 records returned for parties with a name of HARDIN, DENNY for All case types in ALL court locations.

1 2 3 4 5



Name Search Results by Case
All Participating Courts

Displaying 33 thru 37 of 37 records returned for parties with a name of HARDIN, DENNY for All case types in ALL court locations.

1 2 3 4 5

Party Name	Case Number	Party Type	Style of Case	Case Type	Filing Date
Address on File		Circuit	County	Location	
HARDIN, DENNY R.	<u>WD71366</u>	Appellant Acting Pro Se	STATE OF MO, RES V DENNY HARDIN, APLP	AP Criminal Appeal Circuit	08/14/2009
ST JOSEPH, MO		Western District Ct of Appeal	Western District Ct of Appeals	Western Appellate	
HARDIN, DENNY R.	<u>SC87254</u>	Appellant Acting Pro Se	CAPITAL ONE BANK, RES V DENNY R HARDIN, APP	AP Tran to SC- Post Opinion	11/14/2005
KANSAS CITY, MO		Supreme Court of Missouri	Supreme Court of Missouri	Supreme Court	
HARDIN, DENNY RAY	<u>10RA-CV00208</u>	Petitioner	MELINDA S HARRINGTON V DEAN MINOR	CC Habeas Corpus	03/01/2010
MOBERLY, MO		Circuit 14	Randolph	Associate/Circuit Divisions	
HARDIN, DENNY RAY	<u>0916-CV33861</u>	Petitioner	DENNY R HARDIN V STATE OF MISSOURI	CC Motn, Ruies 29.15 or 24.035	10/05/2009
MOBERLY, MO		Circuit 16	Jackson	Circuit Division (Kansas City)	
HARDIN, DENNY RAY	<u>16CV92-09250</u>	Plaintiff	DENNY RAY HARDIN V DIRECTOR OF THE MISSOUR	AC DL Revoc Rvw 302.311 RSMo	04/22/1992
		Circuit 16	Jackson	Circuit Division (Kansas City)	

Displaying 33 thru 37 of 37 records returned for parties with a name of HARDIN, DENNY for All case types in ALL court locations.

1 2 3 4 5

2011 FEDERAL SENTENCING GUIDELINES MANUAL
CHAPTER TWO - OFFENSE CONDUCT

PART B - BASIC ECONOMIC OFFENSES

1. THEFT, EMBEZZLEMENT, RECEIPT OF STOLEN PROPERTY, PROPERTY DESTRUCTION, AND OFFENSES INVOLVING FRAUD OR DECEIT

Introductory Commentary

These sections address basic forms of property offenses: theft, embezzlement, fraud, forgery, counterfeiting (other than offenses involving altered or counterfeit bearer obligations of the United States), insider trading, transactions in stolen goods, and simple property damage or destruction. (Arson is dealt with separately in Chapter Two, Part K (Offenses Involving Public Safety)). These guidelines apply to offenses prosecuted under a wide variety of federal statutes, as well as offenses that arise under the Assimilative Crimes Act.

Historical Note: Effective November 1, 1987. Amended effective November 1, 1989 (see Appendix C, amendment 303); November 1, 2001 (see Appendix C, amendment 617).

§2B1.1. Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States

(a) Base Offense Level:

(1) 7, if (A) the defendant was convicted of an offense referenced to this guideline; and (B) that offense of conviction has a statutory maximum term of imprisonment of 20 years or more; or

(2) 6, otherwise.

(b) Specific Offense Characteristics

~~(1) If the loss exceeded \$5,000, increase the offense level as follows:~~

Loss (Apply the Greatest) Increase in Level

- (A) \$5,000 or less no increase
- (B) More than \$5,000 add 2
- (C) More than \$10,000 add 4
- (D) More than \$30,000 add 6
- (E) More than \$70,000 add 8
- (F) More than \$120,000 add 10
- (G) More than \$200,000 add 12

- (H) More than \$400,000 add 14
- (I) More than \$1,000,000 add 16
- (J) More than \$2,500,000 add 18
- (K) More than \$7,000,000 add 20
- (L) More than \$20,000,000 add 22
- (M) More than \$50,000,000 add 24
- (N) More than \$100,000,000 add 26
- (O) More than \$200,000,000 add 28
- (P) More than \$400,000,000 add 30.

CHAPTER FOUR - CRIMINAL HISTORY AND CRIMINAL LIVELIHOOD

PART A - CRIMINAL HISTORY

§4A1.2. Definitions and Instructions for Computing Criminal History

(a) Prior Sentence

(1) The term "prior sentence" means any sentence previously imposed upon adjudication of guilt, whether by guilty plea, trial, or plea of nolo contendere, for conduct not part of the instant offense.

(2) If the defendant has multiple prior sentences, determine whether those sentences are counted separately or as a single sentence. Prior sentences always are counted separately if the sentences were imposed for offenses that were separated by an intervening arrest (i.e., the defendant is arrested for the first offense prior to committing the second offense). If there is no intervening arrest, prior sentences are counted separately unless (A) the sentences resulted from offenses contained in the same charging instrument; or (B) the sentences were imposed on the same day. Count any prior sentence covered by (A) or (B) as a single sentence. See also §4A1.1(e).

For purposes of applying §4A1.1(a), (b), and (c), if prior sentences are counted as a single sentence, use the longest sentence of imprisonment if concurrent sentences were imposed. If consecutive sentences were imposed, use the aggregate sentence of imprisonment.

(3) A conviction for which the imposition or execution of sentence was totally suspended or stayed shall be counted as a prior sentence under §4A1.1(c).

(4) Where a defendant has been convicted of an offense, but not yet sentenced, such conviction shall be counted as if it constituted a prior sentence under §4A1.1(c) if a sentence resulting from that conviction otherwise would be countable. In the case of a conviction for an offense set forth in §4A1.2(c)(1), apply this provision only where the sentence for such offense would be countable regardless of type or length.

"Convicted of an offense," for the purposes of this provision, means that the guilt of the defendant has been established, whether by guilty plea, trial, or plea of nolo contendere.

(b) Sentence of Imprisonment Defined

(1) The term "sentence of imprisonment" means a sentence of incarceration and refers to the maximum sentence imposed.

(2) If part of a sentence of imprisonment was suspended, "sentence of imprisonment" refers only to the portion that was not suspended.

(c) Sentences Counted and Excluded

Sentences for all felony offenses are counted. Sentences for misdemeanor and petty offenses are counted, except as follows:

(1) Sentences for the following prior offenses and offenses similar to them, by whatever name they are known, are counted only if (A) the sentence was a term of probation of more than one year or a term of imprisonment of at least thirty days, or (B) the prior offense was similar to an instant offense:

Careless or reckless driving

Contempt of court

Disorderly conduct or disturbing the peace

Driving without a license or with a revoked or suspended license

False information to a police officer

Gambling

Hindering or failure to obey a police officer

Insufficient funds check

Leaving the scene of an accident

Non-support

Prostitution

Resisting arrest

Trespassing.

(2) Sentences for the following prior offenses and offenses similar to them, by whatever name they are known, are never counted:

Fish and game violations

Hitchhiking

Juvenile status offenses and truancy

Local ordinance violations (except those violations that are also violations under state criminal law)

Loitering

Minor traffic infractions (e.g., speeding)

Public intoxication

Vagrancy.

(d) Offenses Committed Prior to Age Eighteen

(1) If the defendant was convicted as an adult and received a sentence of imprisonment exceeding one year and one month, add 3 points under §4A1.1(a) for each such sentence.

(2) In any other case,

(A) add 2 points under §4A1.1(b) for each adult or juvenile sentence to confinement of at least sixty days if the defendant was released from such confinement within five years of his commencement of the instant offense;

(B) add 1 point under §4A1.1(c) for each adult or juvenile sentence imposed within five years of the defendant's commencement of the instant offense not covered in (A).

(e) Applicable Time Period

(1) Any prior sentence of imprisonment exceeding one year and one month that was imposed within fifteen years of the defendant's commencement of the instant offense is counted. Also count any prior sentence of imprisonment exceeding one year and one month, whenever imposed, that resulted in the defendant being incarcerated during any part of such fifteen-year period.

(2) Any other prior sentence that was imposed within ten years of the defendant's commencement of the instant offense is counted.

(3) Any prior sentence not within the time periods specified above is not counted.

(4) The applicable time period for certain sentences resulting from offenses committed prior to age eighteen is governed by §4A1.2(d)(2).