

U.S. DISTRICT COURT FOR DISTRICT OF COLUMBIA

D-U-N-S # 611934746

UNITED STATES OF AMERICA
(Delaware corporate file #2193946) (D&B no. 052714196),

Plaintiff,

--

James Delisco Beeks by special invitation and
authorized representative for the tradename **JAMES
BEEKS** ©

Accused

Case No.: 1:21-cr-28:19

MOTION TO DISCHARGE/
INVOCATION OF THE DECLARATION
OF INDEPENDENCE

MOTION TO DISCHARGE

INVOCATION OF THE DECLARATION OF INDEPENDENCE

Comes now james beeks: (the Accused), man, Child of God (The Father, Source), and Private Citizen by special appearance who upholds the Great Law of Peace, a lawful de jure, jus sanguinis Preamble Citizen of the Florida Republic {1861-1865} in his own proper person sui juris pursuant to the *unpurviewed 6th Article of the Bill of Rights, the 9th Article of Amendment to the Constitution for the United States {1787-1791}* and other applicable provisions of law, wishes for an order to dismiss the Accused in the above-mentioned case for the following reason(s):

The Declaration of Independence

In Congress, July 4, 1776 The unanimous Declaration of the thirteen united States of America states, ¶When in the Course of human events, it becomes

necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

*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, That whenever any Form of Government becomes destructive of these ends, it is the *Right of the People* to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their *Safety and Happiness*. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government*
DQGWRSURYLGHQHZIXDUGVIRUWKHLUIXWXUHVHEXULW

The History of the present UNITED STATES Corp. Delaware file # 2193946 & Dun & Bradstreet number 052714196) herein will be termed as the government is a

history of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States and the World.

This government has in recent history:

1. Failed to secure the southern border and is creating an unlawful immigrant crisis and invasion, inviting human and child trafficking engaging in unthinkable violations to its people and mankind.
2. Funding and supporting a proxy war with a nuclear power through Ukraine, a non-NATO ally, which holds no interest for the American public inching us to edge of nuclear annihilation and World War III.
3. Allowed China to send several spy balloons across the entire country and collect data on Americans.
4. Failed to visit or support the people of Palestine Ohio
5. Created a debacle in Sudan and have left many Americans stranded to date.
6. Created a crisis in Afghanistan leaving many Americans behind and leaving the enemy with billions of ~~GROODUV•ZBUNK~~ military equipment to date.
7. Created a police state enacting the ~~P~~ patriot act ~~□~~ to combat the so-called ~~1/2DU□~~ ~~RQWUHUERL~~ in effect takes away the right of its own people (TSA for example).
8. Is holding January 6th defendants as political prisoners with no due process.
9. Used 9/11 as a ploy to go to war with Iraq under false premises as there were ~~QRZHSRQVFDVVGHWUXEFLRQWDLQLQJWKHWUHDVXURIWULOOOLRQVRIGE~~ in the process.

- 10. Used 9/11 as a ploy to go to war in Afghanistan for 14 years at an astronomical costs and the lives of many of its ~~PERSONS~~, families destroyed.
- 11. Toppled the once thriving nation of Egypt destroying its sovereignty leaving its people to famine and slavery.
- 12. Toppling numerous nations around the world in the name of American ~~THE PREUDENORZLQJWKDWZHDUHQRWD THE PREUDEZHDUHDERQVWLWXWLRQ~~ republic if we can keep it.

I could go on, but for the sake of the length of this document I will add that the above examples are just the tip of the iceberg of what the bureaucracy has wrought in the name of America with its military might and tyranny around the world including its own people. I never consented to any of those things, so I ask, who are the aggressors here; the government or James Delisco Beeks? I am just a man. ~~KRZDV LWWKDWMDLG, ZDNHWKHSODQNRXWRIRXU~~ own eye before you take the splinter out of ~~IRXUEURWKHUVH~~

The UNITED STATES OF AMERICA CORPORATION Delaware file #2193946 and D-U-N-S # 052714196 is not a Republican form of government as is guaranteed in Article IV therefore is a ~~UDXGDP RQJHFK PERSON~~ fraud vitiates everything. As stated in my unrebutted and defaulted ~~THE PRUDQGXPRI DZ~~ filed with the ~~ERXUW~~ the Guarantee Clause, also known as the Republican Form of Government Clause, is in Article IV, Section 4 of the United States Constitution, and requires the United States to guarantee every state a republican form of government and provide protection from foreign invasion and domestic violence.

Luther v. Borden, 48 U.S. 1 (1849); The Supreme Court held that the creation of republican forms of government and the control of domestic violence were matters of essentially political nature committed by the Constitution to the other branches of government. Hence, the Court should defer to Congress and the President when confronted with such issues.

The Constitution for the United States Article IV, Section 4 states:

them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence

DISCUSSION:

and support the

Supreme court ruling(s) *Luther vs. Borden, Miller vs. US.* The

enforced, DQGWKLVIFERXUW.PXVWDGKHUHWRWKHUXOHVRIUW

own laws that have been set in place for every American, as to which the Accused is, in fact, an American.

The question is: Was this case a constitutional right or a crime? What Law Did the Accused break?

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1. *U.S., 230 F.2d. 486, 489.*
 2. *straight to the point --that there is no lawful method for government to put restrictions or assertion of federal rights, when plainly and reasonably made, is not to be defeated under the*
 3. *Hoffsomer v. Hayes, 92 Okla. 32, 227 F. 417 "The courts are not bound by an officer's interpretation of the law under which he presumes to act." Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803) "... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank." "All law (rules and practices) which are repugnant to the Constitution are VOID". Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law", this renders judicial immunity unconstitutional.*
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If it is a crime who is the victim; the man or woman with a verified claim against the accused?

If one says it is the UNITED STATES OF AMERICA, Delaware file # 2193946 and Dun

& Bradstreet # 052714196, can it speak for itself on the witness stand? No. A corporation cannot speak because it is a dead entity, and the dead cannot speak with the living as I; nor any living man or woman. The UNITED STATES OF AMERICA Delaware file # 2193946 and Dun & Bradstreet # 052714196 is a corporation and cannot be a victim and cannot be a witness on a witness stand to be cross examined.

US v Minker, 350 US 179 at 187(1956) Supreme Court of the United States 1795 "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."

If one says the prosecuting attorney speaks on the Plaintiffs behalf they would be in error because attorneys cannot speak for the plaintiff, it is all hearsay. Therefore, to continue in this practice and to allow this action WRWDNHSODEHLOWKLMFRXUWLMARGLVHJUDG and it is engaged in the presumption and in possibly concert WKDWKHS\$EEXVHGMLTUXLOW•EHIRUHSURRYHQLOQR order for the prosecution to get a conviction and not true justice and a fair trial. Is it not true that all J6 cases have been denied a venue change, why?

S.C.R. 1795, Penhallow v. Doane's Administraters (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54), "The prosecutor is not a witness; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial."

I know first-hand WKHDEXVHDQGGQHJOHEWEWKHJRYHJGPHQWV and my children are of being abused and abandoned in the foster care system on Jacksonville Florida. From ages 1-5 years old I was left for dead by the government that was supposed to be there to protect every man, woman, and child but it has failed to do so.

The *Great Society Act* still in effect today is an act by the government that dictates the incentivizing of the ~~VLQJOHERYKHE~~ home thereby ~~GHYDVWDWLCQJWKH~~ ~~¶DUNVNLQQHG~~ American families dependent on welfare without the father in the home. This act has devastated and have terrorized families, especially children, of every culture, especially in the so-~~EDOOHGG~~ neighborhoods of America simply taking the father out of the home.

As an infant from traumatic abuse who has since overcome these hardships and have lived a productive life has been terrorized by this government system and demand redress as the Declaration of Independence secures this unalienable right.

Even still I am a; peaceful melanated man of the sun meaning more pigment in my skin than others, I am not African American, I am not a descendant of slaves, I am indigenous to this land as I was born here as were my ancestors. Nor am I a black man as those terms would place I/me in a certain political status that is not of my choosing, and one thing for sure I am definitely not a white supremacist, I am not a color, ~~¶LDE~~.

Although the odds were against me as a melanated boy to man growing up in the southern region of the united states, I managed to stay out of trouble with any law enforcement for the most part, unlike the majority of the so-called black community including some of my blood relatives.

However, I found a voice through singing and dancing and have/had hopes of inspiring American youth like me to overcome their childhood trauma and ignite the spark that is inside

them, as we all have that spark, but we must remember who we are in spirit and in truth. I can not only say this I can prove it through my actions.

This is something I did privately but must now bring it into the light to get a brighter picture of who I am. Attached are letters from the philanthropy work I have done and will continue to do to inspire the nation to forgive and forgive those who trespass against us so that we can move forward together and bring about peace. This is who I am. This is my story, my good name, my HisStory. I have documented evidence of who I am and the people who will testify for me, firsthand witness of my character. (See Attached exhibit LAP Thank you Letters).

However, I come to you in peace despite seeing the continued abuse of myself and the people by the tyrannical government local, state, and Federal to this day. And despite my tradename and personal reputation have been ruined because of what seems to be a political bias prosecution, I still come to you in peace.. And despite my name has been put on a list by the government ~~EHHQODEHOGDVIDGRPHVLEFTHURULW~~ mentioned above had the same treatment? This is neither fair nor just. I know that I ~~DPQRWDTRPHVWLEFTHURULW~~ as evidenced in my attached witness letters.

I am old enough to remember ~~7KH~~ 1990 ~~&ULPH%LOOHQDEWHGGEWKLWJRYHUQPHQWVRXJKW~~ detain ~~VXSHSUHGDWRUVRQPLVGHPHDQRUEKDUJHVWVKXVERQWLQXEQDNRW~~ men specifically to further destroy their families. I am old enough to remember the crack epidemic which is covered in my documented book ~~HQWLWOLHGRVJH~~ finally tit~~OHG~~ *An African American Male* Other Title: *The Kid in the car*, *HisStory* (See Attached Exhibit)

I write about my true thoughts in real time and have noticed the continued abuse by the government on its own people

Although I do not agree with the Black lives matter or ANTIFA movements, I do support their right to protest their protest. I wish for is that equal right to redress his government. All I wish for is that equal right.

In the summer Of 2020 during the lockdowns Americans were forced to watch multiple cities over \$1 Billion dollars in insurance damages and at least Thirty people were killed, especially

January 6th lasted roughly six hours, no one was arrested that day, no police officers were killed

even though some in the media still report that lie, and some still believe it to be true. There

Five people died on January 6th , but it was Americans who were killed by government officials

\$1Billion. Why are the January 6th cases treated differently from any other political protest where non bad protesters charges have been dropped?

An article titled Just Means Another Crackdown on Dissent. (theintercept.com) states:

Just Means Another Crackdown on Dissent. (theintercept.com) states:

can be convicted of rioting when they themselves have not personally broken a window or

SHUVRQDOO W KURZQDUREN HUNKRIMWROG WKHERXUWLQXOW W W KHJURXS WKDW V
GDQJHUT KHJURXS WKDW V EULPLQDO

Last December, a D.C. jury acquitted W KHILUV W W ULD O JURXS UHMHEW LQ J W KHJRYHUQPHQW V E
W KHRURR ERQ V SLUDEFI O LDELOL W GRRQDI W HUSRVHEXWRI V 29 cases,
vowing to focus on only the most serious perpetrators.

In May, Chief Justice Robert E. Morin of the D.C. Superior Court sanctioned prosecutors for failing to disclose potentially exculpatory evidence to the defense before trial, a violation of the so-called Brady rule. The rule mandates that, as part of pretrial exchanges, defendants are entitled to access information that might be helpful to their cases. The undisclosed evidence in the J20 trials included dozens of video and audio recordings of protest planning meetings captured by the far-right media group Project Veritas.

Prosecutors were also found to have submitted certain videos edited to exclude evidence favorable to the defense. In a clipped portion of a previously disclosed video, a Veritas DJHQWEDQE HKHDUGMD LQ J GRQ W W HONWKEH attendees # NO anything about any of the upper-HEKHORQ W W XILPSO LQ J W KDWPDQIRI W KRVHLQYROYHGLQRUJJDQLC the protest had not been part of the purported criminal conspiracy.

In the NBC news article <https://www.nbcnews.com/news/us-news/government-drops-charges-against-all-inauguration-protesters-n889531> and other articles government dropped charges for seemingly worse acts than what I, the accused have been accused of.

Federal prosecutors on Friday (July 2018) moved to drop charges against the last 39 people accused of participating in a violent protest on the day of President Donald Trump's inauguration. The motion to dismiss charges by the U.S. attorney's office seemingly ends an

18-month saga that started with the Justice Department attempting to convict more than 190 people.

That effort saw the government facing off against an intensely coordinated grassroots political opposition network that made Washington the focus of a nationwide support campaign ~~£~~

~~RIIHULQJJIWHHORGJLQJIRUGHIHQGDQWVOHJDOERRUGLQDWLRQDQGRWKHUMXSSRUW~~

According to the Tennessee star article it states: ~~JHGHUDOSURVHEXWRUVKDYH TXLHWO~~
~~GLVPLVHGRIEDVHVWHPPLQJITURP~~ riots in downtown Portland last summer, and many more federal charges are expected to be dismissed soon, KGW reported this week. Cases being dismissed include felony charges such as assaults on federal officers, court records show.

According to KGW, more than half of the dropped charges were ~~GLVPLVHGZLWK~~
~~SUHMVGLPH~~ means the ~~EDVHEDQWEHEURXJKWEDENWRERXUWSQGDWOHDVWRWKH~~
~~GLVPLVHGEDVHVZHUHHSRUWHGOGURSSHGRQRUDWBUWKHLQDXJXUDWLRQRIDU%LG~~

As charges against dozens of violent left-wing insurrectionists are dropped, the Biden Justice Dept. is taking a tough stance against the Trump supporters who stormed the Capitol on January 6.

So far, none of the cases against the Capitol Hill rioters and trespassers have been dismissed. In fact, ~~JHGHUDOSURVHEXWRUVDUHDGGLQJHQBKQDEHPHQWEKDUJHVVDQGEKLOGLQJMHGL~~ according to American Greatness columnist Julie Kelly.

While dozens of right-wing protesters certainly acted badly that one day, Antifa agitators clashed with federal agents in front of the Mark O. Hatfield United States Courthouse in Portland for weeks on end, costing the city at least \$2.3 million for cleaning. The courthouse and four other federal properties were extensively tagged with graffiti and otherwise vandalized during nightly demonstrations. In addition to tagging the properties with graffiti, antifa and Black Lives Matter agitators set fires, and broke windows, as well as deployed commercial grade firecrackers, powerful lasers, and Molotov cocktails at the police.

Cite: <https://tennesseestar.com/news/feds-quietly-dismiss-dozens-of-cases-against-antifa-extremists-who-terrorized-downtown-portland-last-summer/admin/2021/03/07/>

There is zero evidence of any violence or a conspiracy to commit a crime on my, the ~~DEEXVHGB~~ and yet the overreaching charges are hanging over my head. This broad narrative by the government in J6 trials are treated differently and the question is why? Is it a case of being vindictively prosecuted on the presumption of the possible

political views of the accused? If so, this is not a fair nor just prosecution and must be thrown out. I am not anti-government; I am actually pro limited de jure republican form of government. This is a common belief among the people who still believe in the sovereignty of the nation states and its peoples.

Therefore, I invoke the declaration of independence; I stand on the shoulders of the founding fathers of this great nation to preserve the right to peacefully protest and require a discharge of this case in regard to James Beeks.

If this motion is denied by this court then it stating that everything I stated above is incorrect and this court is above the laws that proceed it. In other words, if denied this court is above the Supreme Law of the land and the very founding documents this nation was built upon.

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958) Note: Any judge who does not comply with his oath to the Constitution for the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it". See also In Re Sawyer, 124 U.S. 200 (188); U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821).

Hoffsommer v. Hayes, 92 Okla. 32, 227 F. 417 "The courts are not bound by an officer's interpretation of the law under which he presumes to act." Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803) "... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank". "All law (rules and practices) which are repugnant to the Constitution are VOID". Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law", this renders judicial immunity unconstitutional.

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) Note: By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). When a judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges' orders are not voidable, but VOID, and of no legal force or effect.

The U.S. Supreme Court stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

Therefore, I man, wish, demand this case in regard to James Beeks be discharged with prejudice.

05/01/23

Respectfully Submitted

/s/ James-Delisco:Beeks ©

:james beeks: © All Rights Reserved Principal, by Special

Appearance, in Propria Persona, proceeding Sui Juris.

DISCLAIMER: The use of codes, statutes, rules, regulations, and court citations on any document past, present, or future and filed with this court, by me, the living man, is only to notice that which is applicable to government officials and is not intended nor shall it be construed that I have conferred, submitted to, or entered into any jurisdiction alluded to thereby.