

LEAVE TO FILE GRANTED

Judge CKollar Kollas

Dec 22, 2022

receiv: clerk 12/21/22

IN THE FEDERAL DISTRICT COURT FOR WASHINGTON DC FOR THE UNITED STATES OF AMERICA

United States of America
Petitioner,

Case No 22cr299

v

NOTICE OF SPECIAL APPEARANCE

Shawndale D. Chilcoat

Donald E. Chilcoat
Respondent's,

TO: CLERK OF THE ABOVE DISTRICT COURT

Comes now, two of the people of the State of Ohio, Shawndale D. Chilcoat, one of the Lawful people of Ohio. Respondents in the matter listed above case number appears specially and not generally in propria persona, sui juris, and in personam, to bear witness to any trespass of the Law, comes before this court under duress, coercion, theft and under threat of arrest pursuant to Ohio Rev. Code § 2307.382, Ohio Rev. Code § 2963.02, Title 18 § 3161

12-18-22
Date

Shawndale Chilcoat
Shawndale D. Chilcoat

IN THE FEDERAL DISTRICT COURT FOR WASHINGTON DC FOR THE UNITED STATES OF AMERICA

United States of America
Petitioner,

Case No 22cr299

v

DEMAND FOR DISMISSAL

Shawndale D. Chilcoat,

LACK OF JURISDICTION

Donald E. Chilcoat
Respondent's,

Comes now, Shawndale D. Chilcoat, sui juris, in her proper person objecting to the jurisdiction of this court pursuant to Fed R Civ P 12 (b) (1), (2), (4), (5), 18 USC, Ch. 208, Ohio Rev. Code § Section 2963. (02), (03), (09), (28), (31), (24), (32), (07), Ohio Revised Code Title 29, Chapter 2935, Section 2935.23, and Title 18 § 3161 does hereby move this court to dismiss the case. Jurisdiction must be proven once challenged and it must be proven, in writing and on the record.

Demand to dismiss pursuant to Fed R Civ P Rule 12 (b)(1), (2), (4), (5), 18 USC, CH. 208, Title 18 § 3161, Ohio Revised Code Title 29, Chapter 2963, (02), (03), (09), (28), (31), (24), (32), (07)

1. A Lack of Subject-Matter Jurisdiction
2. A Lack of Personal Jurisdiction
3. Insufficient Service of Process
4. Speedy Trial

Demand For Relief

WHEREFORE, Respondent pray for the following

1. For an Order dismissing the above-named case.
2. For an Order for the return of the Respondents belongings.
3. For a timely response.

CONSTITUTION OF THE STATE OF OHIO ARTICLE 1 DECLARATION OF RIGHTS

Section 1 Inalienable Rights, All men are, by nature, free and independent, and have certain **inalienable rights**, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

Section 20 Powers reserved to the people. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

Section 14 Search warrants and general warrants, The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated; and **no warrant shall issue, but upon probable cause, supported by oath or affirmation**, particularly describing the place to be searched and the person and things to be seized.

Section 16 Redress in courts. All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have **remedy by due course of law, and shall have justice administered without denial or delay.**[Suits against the state.] Suits may be brought against the state, in such courts and in such manner, as may be provided by law.

Article VI Section 4. The United States shall guarantee to every state in this union a **republican form of government**, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Section 9 Bail; cruel and unusual punishments. All persons shall be bailable by sufficient sureties, except for a person who is charged with a capital offense where the proof is evident or the presumption great, and except for a person who is charged with a felony where the proof is evident or the presumption great and where the person poses a substantial risk of serious physical harm to any person or to the community. Where a person is charged with any offense for which the person may be incarcerated, the court may determine at any time the type, amount, and conditions of bail. Excessive bail shall not be required; nor excessive fines imposed; **nor cruel and unusual punishments inflicted.** When determining the amount of bail, the court shall consider public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the general assembly may prescribe. The general assembly shall fix by law standards to determine whether a person

who is charged with a felony where the proof is evident or the presumption great poses a substantial risk of serious physical harm to any person or to the community.

Section 10 Trial for crimes; witness. Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, **no person shall be held to answer for a capital, or otherwise infamous, crime, unless on presentment or indictment of a grand jury**; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; **to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed**; but provision may be made by law for the taking of the deposition by the accused or by the state, to be used for or against the accused, of any witness whose attendance can not be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be made the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense.

Section 18 Suspension of laws. **No power of suspending laws shall ever be exercised**, except by the general assembly.

Section 2 Right to alter, reform, or abolish government, and repeal special privileges. **All political power is inherent in the people. Government is instituted for their equal protection and benefit**, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that **may not be altered, revoked, or repealed by the general assembly**.

CONSTITUTION OF THE STATE OF OHIO ARTICLE 11 LEGISLATIVE

Section 1 In whom power vested. The legislative power of the state shall be vested in a general assembly consisting of a senate and house of representatives, **but the people reserve to themselves the power to propose to the general assembly laws and amendments to the constitution**, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law, section of any law or any item in any law appropriating money passed by the general assembly, except as hereinafter provided; and independent of the general assembly to propose amendments to the constitution and to adopt or reject the same at the polls. **The limitations expressed in the constitution, on the power of the general assembly to enact laws, shall be deemed limitations on the power of the people to enact laws.**

CONSTITUTION OF THE STATE OF OHIO ARTICLE 13 CORPORATE

Section 1 The General Assembly shall pass **no special act conferring corporate powers.**

UNITED STATES OF AMERICA CONSTITUTION

Article I, Section 2. All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

Article IV Section 3 The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Article VI Section 4. The United States shall guarantee to every state in this union a **republican form of government**, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

In *Luther v. Borden*,¹ the Supreme Court established the doctrine that questions arising under this section are political, not judicial, in character and that "it rests with Congress to decide what government is the established one in a State . . . as well as its republican character."² *Texas v. White*³ held that the action of the President in setting up provisional governments at the conclusion of the war was justified, if at all, only as an exercise of his powers as Commander-in-Chief and that such governments were to be regarded merely as provisional regimes to perform the functions of government pending action by Congress. On the ground that the issues were not justiciable, the Court in the early part of this century refused to pass on a number of challenges to state governmental reforms and thus made the clause in effect noncognizable by the courts in any matter,⁴ a status from which the Court's opinion in *Baker v. Carr*,⁵ despite its substantial curbing of the political question doctrine, did not release it.

STATEMENT OF JURISDICTION

1. Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter. The court is only to rule on the sufficiency of the proof tendered. See, *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178 (1936). The origins of this doctrine of law may be found in *MAXFIELD v. LEVY*, 4 U.S. 330 (1797), 4 U.S. 330 (Dall.) 2 Dall. 381 2 U.S. 381 1 Led. 424
2. Lack of personal jurisdiction. This process has no standing in Law inside the borders of a State/state. Article I Admiralty Courts and Tribunals are limited in their jurisdiction pursuant to Article III Section 2 Clause (1), Article I Section 8 clause (2) & (17) Article I Section 9 clause (3), (7), (8) & Section 10 clause (1) of the Constitution of the United States of America. The Legislative Branch may only create inferior courts under Admiralty and Maritime jurisdiction outside the borders of a state.
3. See, *Corpus Juris Secundum (CJS)*, Volume 7, Section 4, Attorney & client: The attorney's first duty is to the courts and public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must

yield to the latter. Clients are also called "wards" of the court in regard to their relationship with their attorneys.

4. See, Corpus Juris Secundum (CJS), Volume 7, Section 4, Attorney & client: The attorney's first duty is to the courts and the public, not the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter. Clients are also called "wards" of the court in regard to their relationship with their attorneys.
5. Corpus Juris Secundum assumes courts will operate in a lawful manner. If the accused makes this assumption, he may learn to his detriment, through experience that certain questions of law, including the question of personal jurisdiction, may never be raised and addressed, especially when the accused is represented by the bar. (Sometimes licensed counsel appears to take on the characteristics of a fox guarding the hen house.)
6. Ohio Rev. Code § Section 2963.02 - Arrest and deliverance of fugitives from justice---Subject to sections 2963.01 to 2963.27, inclusive, of the Revised Code, the constitution of the United States and all acts of congress enacted in pursuance thereof, **the governor shall have arrested and delivered** to the executive authority of any other state of the United States, any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state. ***No extradition was applied for, and no extradition occurred. In fact, Toledo Ohio Federal Court, issued the first search and seizure warrant, one day before, Washington DC issued an arrest warrant. Warrants and indictment are attached***
1. Ohio Rev. Code § 2963.03 Recognition of demand for extradition---No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless the demand is **in writing alleging**, except in cases arising under section 2963.06 of the Revised Code, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and unless the demand is accompanied by:
 - (A) A copy of an indictment found or by information **supported by affidavit** in the state having jurisdiction of the crime, or by a **copy of an affidavit** made before a magistrate there, together with a copy of any warrant which was issued thereupon; (B) A copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the **executive authority** of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation, or parole. The indictment, information, or **affidavit made before the magistrate** must substantially charge the person demanded with having **committed a crime under the law of that state**. The copy of indictment, information, affidavit, judgment of conviction, or sentence must be **authenticated by the executive authority making the demand**. ***The FBI agent is not an eyewitness, a victim, or a person who had a right, to claim a cause of action. The FBI agent was the signature on the warrant and the Respondents have not seen a written signed affidavit that should be attached to the warrant. The FBI agent is a public citizen, the Respondents are the people. The Respondents were arrested on August 11, 2022, and***

was not indicted until September 9, 2022. The Respondent's were not extradited but they are forced by the Federal Court to appear via Zoom for court procedures outside of their state borders.

2. Ohio Rev. Code § Section 2963.09 - Extradition hearing **No person arrested upon a warrant under section 2963.07 of the Revised Code shall be delivered to the agent whom the executive authority demanding him appointed to receive him unless such person is first taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel. If the prisoner or his counsel desires to test the legality of his arrest, the judge shall fix a reasonable time to have allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state. The Respondents have only been before, Federal judges. Not one lawyer on this case has questioned the legality of the arrest and the writ of habeas corpus was not mentioned. Whoever violates this section by willfully delivering a person arrested upon the governor's warrant to an agent for extradition of the demanding state before a hearing, shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.**
3. Ohio Rev. Code § Section 2963.28 - Request to federal authorities for extradition—If it appears to the governor by sworn evidence in writing that a person has committed a crime within this state for which such person may be delivered to the United States or its authorities by a foreign government or its authorities, because of laws of the United States, or of a treaty between the United States and a foreign government, and that such person is a fugitive from justice of this state, and may be found within the territory of such foreign government, the governor, under the great seal of Ohio, shall request the president of the United States, or the secretary of state of the United States, to take any steps necessary for the extradition of such person and his delivery to any agent of this state appointed by the governor, or to the proper officer of the county within which he is charged with the commission of such crime.
 - a. Section 2963.31 - **Appropriate court defined**—As used in section 2963.30 of the Revised Code, with reference to the courts of this state, "appropriate court" means the court of record having jurisdiction of the indictment, information, or complaint. *Only the FBI came to the Respondent's home to arrest her at gun point. The Sheriff would be the proper officer of the county and the Sheriff was not once at the Respondent's home.*
4. Chapter 2963 – EXTRADITION Section 2963.24 - Consent to return to demanding state. When such consent has been executed it shall forthwith be forwarded to the office of the governor and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the accredited agent of the demanding state, and shall deliver to such agent a copy of such consent. This section does not limit the rights of the accused person to return voluntarily and without formality to the demanding state before any such demand has been made, nor is this waiver procedure an exclusive procedure or a limitation on the powers, rights, or duties of the officers of the demanding state or of this state. *Clearly anything signed with Toledo, Ohio Federal Courts was signed under duress, after being arrested by gun point and jailed for 4 days.*

5. Ohio Rev. Code § Section 2963.32 - Effectuating interstate agreement on detainees—The courts, departments, agencies, and officers of this state and its political subdivisions shall do all things that are necessary to effectuate the agreement adopted pursuant to section 2963.30 of the Revised Code and that are appropriate within their respective jurisdictions and consistent with their duties and authority. The warden or other official in charge of a correctional institution in this state shall give over the person of any inmate of the institution when so required by the operation of the agreement.
6. Ohio Rev. Code § Section 2963.07 - Complying with demand for extradition - warrant for arrest If the governor decides that a demand for extradition should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal and be directed to any peace officer or other person whom the governor finds fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance. *Warrants do not have the governor's seal and the warrants do not recite facts.*
7. Ohio Revised Code Title 29, Chapter 2935, Section 2935.23 Witnesses in felony investigations— After a felony has been committed, and before any arrest has been made, the prosecuting attorney of the county, or any judge or magistrate, may cause subpoenas to issue, returnable before any court or magistrate, for any person to give information concerning such felony. The subpoenas shall require the witness to appear forthwith. Before such witness is required to give any information, he must be informed of the purpose of the inquiry, and that he is required to tell the truth concerning the same. He shall then be sworn and be examined under oath by the prosecuting attorney, or the court or magistrate, subject to the constitutional rights of the witness. Such examination shall be taken in writing in any form and shall be filed with the court or magistrate taking the testimony. Witness fees shall be paid to such persons as in other cases.
8. 18 USC, CH. 208
 - (a) Time limits and exclusions—In any case involving a defendant charged with an offense, the appropriate judicial officer, at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the Government, set the case for trial on a day certain, or list it for trial on a weekly or other short-term trial calendar at a place within the judicial district, so as to assure a speedy trial.
 - (b) Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days. The respondent has not waived her right to a speedy trial. *The Respondent fired Attorney Steven Kiersh, on September 14, 2022, and directed him to not waive the speedy trial on the on September 16, 2022, stating "I'll just wait, thank you Steve", 3 days later, Steven Kiersh, on September 19, 2022, sent an email saying "I filed the Notice of Speedy Trial Exclusion" against the Respondents consent. Emails are attached.*
 - (c) (1) In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is

pending, whichever date last occurs. If a defendant consents in writing to be tried before a magistrate judge on a complaint, the trial shall commence within seventy days from the date of such consent.

Steven Kiersh was fired on September 14, 2022, Respondent did not consent to him entering a "not guilty" plea. Steven Kiersh and the Respondent never discussed entering a plea.

POINTS OF AUTHORITY

1. *American Jurisprudence Constitution Law*— The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail. This is succinctly stated as follows: The General rule is that an unconstitutional statute, though having the form and name of law is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it. Jon Roland: Strictly speaking, an unconstitutional statute is not a "law", and should not be called a "law", even if it is sustained by a court, for a finding that a statute or other official act is constitutional does not make it so, or confer any authority to anyone to enforce it. All citizens and legal residents of the United States, by their presence on the territory of the United States, are subject to the militia duty, the duty of the social compact that creates the society, which requires that each, alone and in concert with others, not only obey the Constitution and constitutional official acts, but help enforce them, if necessary, at the risk of one's life. Any unconstitutional act of an official will at least be a violation of the oath of that official to execute the duties of his office, and therefore grounds for his removal from office. No official immunity or privileges of rank or position survive the commission of unlawful acts. If it violates the rights of individuals, it is also likely to be a crime, and the militia duty obligates anyone aware of such a violation to investigate it, gather evidence for a prosecution, make an arrest, and if necessary, seek an indictment from a grand jury, and if one is obtained, prosecute the offender in a court of law. "16 Am Jur 2d, Sec 177 late 2d, Sec 256"
2. 18 U.S.C. § 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..

3. *Crs Annotated Constitution Article 1—Special Acts Concerning Claims* This Clause enable Congress to pass special laws to require other departments of the Government to prosecute or adjudicate particular claim, whether asserted by the Government itself or by private persons. In 1924, (1678) Congress adopted a Joint Resolution directing the President to cause suit to be instituted for the cancellation of certain oil leases alleged to have been obtained from the Government by fraud and to prosecute such other action and proceedings, civil and criminal, as were warranted by the facts. (p.344). This resolution also authorized the appointment of special counsel to have charge of such litigation. Private acts providing for a review of an order for compensation under the *Longhoreman's and Harbor Workers' Compensation Act, (1679)* or *conferring jurisdiction upon the court of Claim, after it had denied recovery, to hear and determine certain claims of a contractor against the Government, have been held constitutional. (1680)*
4. *Hale v. Henkel, 201 U.S. 43 (1906)* :Having already held that, by reason of the immunity act of 1903, the witness could not avail himself of the **5th Amendment** it follows that he cannot set up that amendment as against the production of the books and papers, since, in respect to these, he would also be protected by the immunity act. We think it **quite clear** that the search and seizure clause of the **4th Amendment was not intended to interfere with the power of courts to compel, through a subpoena duces tecum, the production, upon a trial in court, of documentary evidence.** As remarked in *Summers v. Moseley, 2 Cromp. & M. 477*, it would be 'utterly impossible to carry on the administration of justice' without this writ. The following authorities are conclusive upon this question: *Amey v. Long, 9 East, 473*; *Bull v. Loveland, [201 U.S. 43, 74] 10 Pick. 9*; *United States Exp. Co. v. Henderson, 69 Iowa, 40, 28 N. W. 426*; *Greenl. Ev. 469a.*

If, whenever an officer or employee of a corporation were summoned before a grand jury as a witness he could refuse to produce the books and documents of such corporation, upon the ground that they would incriminate the corporation itself, it would result in the failure of a large number of cases where the illegal combination was determinable only upon the examination of such papers. Conceding that the witness was an officer of the corporation under investigation, and that he was entitled to assert the rights of corporation with respect to the production of its books and papers, **we are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. 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 criminate**

him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. **His rights are such as existed by the law of the land 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.** Among his rights are a refusal to incriminate himself, and the **immunity of himself and his property from arrest or seizure except under a warrant of the law.** He owes nothing to the public so long as he does not trespass upon their rights. Upon the other hand, the corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It **receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law.** It can make no contract not authorized by its charter. **Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers.** It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: **That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges."**

Upon the other hand, the corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain **special privileges** and franchises, and holds them subject to the laws of the state and the limitations of its charter. **Its powers are limited by law.** It can make **no contract not authorized by its charter.** Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long as it obeys the laws of its creation. **There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers.** It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. **The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges.**

5. *Other supporting case law*--"There is no discretion to ignore lack of jurisdiction.", *Joyce v. U.S.*, 474 F2d 215. "No sanction can be imposed absent proof of jurisdiction." "Once challenged, jurisdiction cannot be 'assumed'; it must be proved to exist!" *Stanard v. Olesen*, 74 S.Ct. 768. "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. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." *Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York* 37 F Supp. 150. "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." *Ex Parte Kearny*, 55 Cal. 212; *Smith v. Andrews*, 6 Cal. 652. "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.

6. **LAW OF THE LAND**— Due process of the law (q.v.). By the law of the land is most clearly intended the general law which hears before it condemns, which proceeds upon inquiry, and renders judgement only after trial. *Dupuy v. Tedora*, 204 La.560, 15 So.2d 886, 891. The meaning is that every citizen shall hold his life, liberty, property and immunities under the protection of general rules which govern society. *Rich Hill Coal Co. v Bradshore*, 334 Pa 449, 7 A. 2d 302, 316; *In re Stobie's Estate*, 30 Cal.App.2d 883, 885. A concurrent or joint resolution of legislature is not "a law", *Koenig v. Flynn*, 179 N.E. 705, 707, 258 N.Y. 292; *Ex parte Hague*, 105 N.J.Eq. 134, 147 A. 220, 222; *Ward v. State*. 176 Okl. 368, 56 P.2d 136, 137; *Scudder v. Smith*, 331 Pa. 165, 200 A. 601, 604; a resolution of the house of representatives is not "law", *State ex rel. Todd v. Yelle*, 7 Wash 2d 443, 110 P.2d 162, 165; an unconstitutional statute is not "law", *John F. Jelke Co. v. Hill*, 208 Wis 650, 242 N.W. 576, 581; *Flournoy v. First Nat. Bank of Shreveport*, 197 La. 1067, 3 So.2d 244, 248. When a Statute is passed in violation of law, that is of the fundamental law or constitution of a state, it is the prerogative of the courts to declare it void, or, in other words, to declare it not to be law. *Burrill*. When the term law is used to denote enactments of the legislative power, it is frequently confined, especially by the English writers, to permanent rules of civil conduct, as distinguished from other acts, such as a divorce act, an appropriation bill, an estates act. *Red. Eng. St.L.Com.Mar.1856*.
7. **Maritime Law**—Congress may implement the admiralty and maritime jurisdiction conferred upon the federal courts by revising and amending the maritime law that existed at the time the Constitution was adopted, but in so doing, it cannot go beyond the reach of that jurisdiction. (1681) This power cannot be delegated to the States; hence, acts of Congress that purported to make state workmen's compensation laws applicable to maritime cases were held unconstitutional. (1682)
8. **Law of Nations**—Of the legislative power, and whether it can change the constitution. Here again a very important question presents itself. It essentially belongs to the society to make laws both in relation to the manner in which it desires to be governed, and to the conduct of the citizens—this is called legislative power. The nation may intrust the exercise of it to the prince, or to an assembly; or to that assembly and the prince jointly; who have then a right to make new laws and to repeal old ones. It is asked whether their power extends to the fundamental laws, whether they may change the constitution of the state? The principles we have laid down lead us to decide with certainty, that the authority of the legislators does not extend so far, and that they ought to consider the fundamental laws as sacred, if the nation has not, in very express terms, given them the power to change them. For the constitution of the state ought to possess stability; and since that was first established by the nation, which afterwards intrusted certain persons with the legislative power, the fundamental laws are excepted from their commission. It is visible to the society only intended to make provision for having the state

constantly furnished with laws suited to articular conjunctures, and for that purpose, gave the legislature the power of abrogating the ancient civil and political laws that were not fundamental, and making new ones: but nothing leads us to think that it meant to submit the constitution itself to their will. In short, it is from the constitution that those legislators derive their power: how then can they change it, without destroying the foundation of their own authority? By the fundamental laws of England, the two houses of parliament, in concert with the king, exercise the legislative power: but if the two houses should resolve to suppress themselves, and to invest the king with full and absolute authority, certainly the nation would <12> not suffer it. And who would dare to assert that they would not have a right to oppose it? But if the [p.96] parliament entered into a debate on making so considerable a change, and the whole nation was voluntarily silent upon it, this would be considered as an approbation of the act of its representatives. *Law of Nations Book I Chapter III p. 95-96 Library of Congress Cataloging-in-Publication Data Vattel, Emer de, 1714-1776. [Droit des gens. English] The law of nations or Principles of the law of nature, applied to the conduct and affairs of nations and sovereigns, with three early essays on the origin and nature of natural law and luxury/Emer de Vattel; edited and with an introduction by Be'la Kapossy and Richard Whatmore; translated by Thomas Nugent, p. cm—(Natural law and enlightenments classics) includes bibliographical references and index. isbn 978-086597-450-0 (hc; alk, paper) isbn 978-0-86597-451-7 (pbk; alk. Paper)*

9. *On the support of the constitution and obedience to laws.* The constitution and laws of a state are the basis of the public tranquility, and firmest support of political authority, and a security for the liberty of the citizens. But this constitution is a vain <10> phantom, and the best laws are useless, if they be not religiously observed: the nation out then to watch very attentively, in order to render them equally respected by those who govern, and by the people destined to obey. To attack the constitution of the state, and to violate its laws, is a capital crime against society; and it those guilty of it are invested with authority, they add to this crime a perfidious abuse of the power with which they are intrusted. The nation ought constantly to repress them with its utmost vigor and vigilance, as the importance of the case requires. Its is a veery uncommon to see the laws and constitution of a state openly and boldly opposed: it is against silent and gradual attacks that a nation ought to be particularly on its guard. Sudden revolutions strike the imagination of men: they are detailed in history; their secret springs are developed. But we overlook the changes that insensibly happen by a long train of steps that are but slightly marked. It would be rendering nations an important service, to shew from history, how many states have thus entirely changed their nature, and lost their original constitution. This would awaken the attention of man-kind;—impressed thenceforward with this excellent maxim (no less essential in politics than in morals), *principiis obsta*. "Resist the first advances."—they would no longer shut their eyes against innovations, which, though inconsiderable in themselves, may serve as steps to mount to higher and more pernicious enterprises. *Law of Nation Book I Chapter III p. 93 96 Library of Congress Cataloging-in-Publication Data Vattel Emer De, 1714-1767. [Droit des gens. English] The law of nations, or, Principles of the law of nature, applied to the conduct and affairs of nation and sovereigns, with three early essays on the origin and nature of natural law and on luxury/Emer de Vattel; edited and with an introduction by Be'la Kapossy and Richard Whatmore; translated by Thomas Nugent. P.cm.—(Natural law and*

enlightenment classics) Includes bibliographical references and index. isbn 978-0-86597-450-0 (hc: alk. Paper) isbn 978-0-86597-451-7 (pbk: alk. paper)

10. Supreme Court Chief Justice John Roberts explained that it is best to regard the judge as an umpire. A good umpire does not care which side wins. And as long as the umpire makes the right process decisions in calling balls and strikes, people do not hold the umpire responsible for who wins or loses." "We need to introduce documents that satisfy strict rules governing the admissibility of evidence. Our witnesses must be credible under cross-examination. We need to rebut any exculpatory defense evidence. And we must prove our case to the unanimous satisfaction of 12 random citizens. Consider how difficult it is to get 12 random citizens to agree about anything!" See *Deputy Attorney General Rosenstein Delivered Remarks to the Palm Beach Forum Club About the Rule of Law in Palm Beach, FL—Friday, January 5, 2018 Incorporated herein.*
11. A jurist has more than on duty to perform while sitting on a jury. The jury has the power to exercise the right of political power to alter reform or abolish any Thing at any time. It is known as jury nullification. This is why tyrants despise this most valuable, sacred right.
12. See Human Rights Violations and Human Trafficking. See executive Order Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption December 21, 2017 Incorporated herein.
13. See Proclamation from President Donald J. Trump December 8, 2017 Incorporated herein

Date

12-18-22



Shawndale D. Chilcoat

CERTIFICATE OF SERVICE

I certify that on the ____ day of December ____ 2022, a true and correct copy of the forgoing was served upon:

United States District Court
For the District of Columbia
333 Constitution Avenue N.W.
Washington D.C. 20001

Electronically Delivered



161.199.136.10 (US East)
Meeting ID: 160 120 5382
Passcode: 485787

Shawn Chil <shawnchil04@gmail.com>
To: Steve Kiersh <skiersh@aol.com>

Wed, Sep 14, 2022 at 9:45 AM

I have left u a voicemail. I am letting u go as my attorney and requesting another attorney. Thank u and have a great day

On Tue, Sep 13, 2022, 8:08 PM Steve Kiersh <skiersh@aol.com> wrote:
[Quoted text hidden]

Shawn Chil <shawnchil04@gmail.com>
Draft

Sat, Sep 24, 2022 at 5:29 PM

Im sorry steven but i am gling to let u go as my attorney and im requesting another attorney to be appointed

On Tue, Sep 13, 2022, 8:08 PM Steve Kiersh <skiersh@aol.com> wrote:
Shawndale

Attached is the zoom link for the hearing scheduled for September 26 th at 2:00pm

Please confirm receipt

Thanks

Steve

Steve Kiersh
Attorney at Law

--- Forwarded Message ---

From: Dorothy Jones-Patterson <dorothy_patterson@dcd.uscourts.gov>
To: STEVEN KIERSH <skiersh@aol.com>; Jacob, Maria (FD) <maria_jacob@fd.org>; ashley.akers@usdoj.gov <ashley.akers@usdoj.gov>; PSADistrictCourt@psa.gov <psadistrictcourt@psa.gov>
Cc: Kollar-Kotelly Chambers <kollar-kotelly_chambers@dcd.uscourts.gov>; Colleen Kollar-Kotelly <colleen_kollar-kotelly@dcd.uscourts.gov>
Sent: Tuesday, September 13, 2022 at 03:12:57 PM EDT
Subject: 22cr299 Shawndale Chilcoat (PR) & Donald Chilcoat (PR) - ARRAIGNMENT & STATUS HRG

Courtroom 28 is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting
<https://uscourts-dcd.zoomgov.com/j/1601205382?pwd=cS9yOUxPd2ZjcDlyVk1PL1ZkMGFvZz09>

Meeting ID: 160 120 5382
Passcode: 485787

One tap mobile
+16692545252,,1601205382#,,,,0#,485787# US (San Jose)
+16468287666,,1601205382#,,,,0#,485787# US (New York)

Dial by your location
+1 669 254 5252 US (San Jose)
+1 646 828 7666 US (New York)
+1 551 285 1373 US
+1 669 216 1590 US (San Jose)
Meeting ID: 160 120 5382



speedy trial

4 messages

Steve Kiersh <skiersh@aol.com> Fri, Sep 16, 2022 at 10:15 AM
To: Shawn Chil <shawnchil04@gmail.com>

Thanks Shawndale—We should get it filed—You always withdraw it if new counsel enters appearance.

Steve Kiersh
Attorney at Law

Shawn Chil <shawnchil04@gmail.com> Fri, Sep 16, 2022 at 10:18 AM
Draft To: Steve Kiersh <skiersh@aol.com>

On Fri, Sep 16, 2022, 10:15 AM Steve Kiersh <skiersh@aol.com> wrote:
Thanks Shawndale—We should get it filed—You always withdraw it if new counsel enters appearance.

Steve Kiersh
Attorney at Law

Shawn Chil <shawnchil04@gmail.com> Fri, Sep 16, 2022 at 10:48 AM
To: Steve Kiersh <skiersh@aol.com>

I'll just wait thank u Steve

On Fri, Sep 16, 2022, 10:15 AM Steve Kiersh <skiersh@aol.com> wrote:
[Quoted text hidden]

Steve Kiersh <skiersh@aol.com> Fri, Sep 16, 2022 at 11:41 AM
To: Shawn Chil <shawnchil04@gmail.com>

You are welcome

[Quoted text hidden]



Speedy trial notice of exclusion filede

1 message

Steve Kiersh <skiersh@aol.com>
To: Shawn Chil <shawncil04@gmail.com>

Mon, Sep 19, 2022 at 4:45 PM

Shawndale

I filed the Notice of Speedy Trial Exclusion. If you have new counsel appointed and change your mind, you can seek to withdraw the consent exclusion.

Please let me know if you have any questions.

Steve Kiersh
Attorney at Law

*I called steven after
this email w/ set
that he did it after
I said I'd wait*

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the Northern District of Ohio

I hereby certify that this instrument is a true and correct copy of the electronically filed original. Attest: Sandy Opalich, Clerk of Court, United States District Court, Northern District of Ohio.



By: [Signature] Deputy Clerk

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address) 3528 Bunker Hill Road, Celina, Ohio 45882, suspects' persons, suspects' vehicles, and any electronics located therein or thereon

Case No. 3:22MJ5255

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Northern District of Ohio (identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated herein.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B, which is incorporated herein.

YOU ARE COMMANDED to execute this warrant on or before August 23, 2022 (not to exceed 14 days) in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Darrell A. Clay (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: August 9, 2022

[Signature]

Judge's signature

City and state: Toledo, Ohio

Darrell A. Clay, U.S. Magistrate Judge

Printed name and title

Case: 3:22-mj-05261-DAC Doc #: 1-1 Filed: 08/11/22 1 of 1. PageID #: 3

AO 91 (Rev 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Columbia

United States of America
v.
SHAWNDALE CHILCOAT, (DOB: XXXXXXXXX)
DONALD CHILCOAT, (DOB: XXXXXXXXX)

Case: 1:22-mj-00179
Assigned To Magistrate Judge : Meriweather, Robin M.
Assign. Date : 8/10/2022
Description: Complaint w/ Arrest Warrant

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Rows include 18 U.S.C. § 1752(a)(1) - Entering and Remaining in a Restricted Building or Grounds, 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(B) - Entering and Remaining in the Gallery of Congress, 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds, 40 U.S.C. § 5104(e)(2)(G) - Parade, Demonstrate, or Picket in any of the Capitol Buildings, 18 U.S.C. § 1512(c)(2) - Obstruction or Impeding Any Official Proceeding.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Handwritten signature of Ian Moore

Complainant's signature

Ian Moore, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 08/10/2022



2022.08.10 18:11:10 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the Northern District of Ohio

Hereby certify that this instrument is a true and correct copy of the electronically filed original. Attest: Sandy Opacich, Clerk of Court United States District Court Northern District of Ohio



By: [Signature] Deputy Clerk

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address) 3528 Bunker Hill Road, Celina, Ohio 45822-8211, and any electronics previously seized pursuant to Federal Search Warrant 3:22MJ5255, for evidence of the possession or ownership of any firearms and/or ammunition by Donald Chilcoat

Case No. 3:22MJ5262

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Northern District of Ohio (Identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated herein.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):

See Attachment B, which is incorporated herein.

YOU ARE COMMANDED to execute this warrant on or before August 25, 2022 (not to exceed 14 days) in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Darrell A. Clay (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: August 11, 2022 / 3:13 p.m.

[Signature]

Judge's signature

City and state: Toledo, Ohio

Darrell A. Clay, U.S. Magistrate Judge

Printed name and title