

LEAVE TO FILE GRANTED
Judge C Kollar-Kotelly
Dec. 22, 2022

United States District Court
For the
District of Columbia

United States of America
Petitioner,
v

Case No 1:22-mj-00179

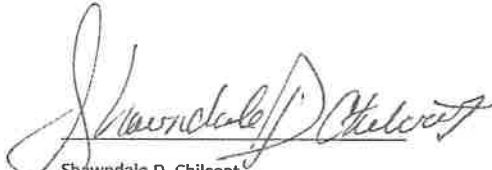
NOTICE OF SPECIAL APPEARANCE

Shawndale D. Chilcoat,
Respondent,

TO: CLERK OF THE ABOVE DISTRICT COURT

Comes now, one of the Lawful people of the State of Ohio, Shawndale D. Chilcoat. The Respondent 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 Fed R C P 12 (b). Shawndale Chilcoat does not consent to any contracts with Washington D.C. or Toledo Ohio Federal Courts.

12-22-22
Date


Shawndale D. Chilcoat

United States District Court for the District of Columbia

United States of America
Petitioner,

Case No 1:22-mj-00179

v

**DEMAND FOR DISMISSAL
LACK OF JURISDICTION**

Shawndale D. Chilcoat,
Respondent,

Comes now, Shawndale D. Chilcoat, sui juris, in her proper person objecting to the jurisdiction of this court pursuant to Fed R C 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. The Respondent does not consent to any contract with either Toledo Federal Districts courts or Washington D.C District Courts.

**Demand to dismiss pursuant to Fed R C 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 prays 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. ***A lien cannot be put on the Respondents God given, natural rights.***

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 search

es 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. ***There is not an affidavit supported by oath or affirmation of a victim or eyewitness attached to the warrant. There is not a crime that applies to the people, listed on the warrant.***

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. ***Suits against man and man, not suits against man and corporations, nor man against an agent of the corporation. The United States is a corporation, who are not one of the people.***

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. ***Domestic violence, does not mean something that occurs between partners.***

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. *The Respondent was arrested at gun point by several FBI Agents and imprisoned for 4 days.*

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. *Seizing a man's property is making him a witness against himself. An agent of a corporation does not have a right to cause of action and can use corporate privileges to not dispose evidence/books that may incriminate the corporation or the agent.*

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. *"Equal Protection and benefit" not to punish.*

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. The people only gave legislatures the power to make laws to govern themselves, public citizens/government employees, not the people, the people govern themselves and this is supposed to be "self-evident". Codes and statutes do not apply to the people. The allegations and codes on the arrest warrant are listed with code laws that only apply to the public citizens/government employees. The people did not give the legislatures the power to rule over them and punish them. The constitution is a contract between the people and the government employees who are sworn to uphold the peoples God given, natural rights.**

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 theasserter. 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. 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 question 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).
5. The Respondents Amendment Right to life, liberty, or property are secured under The Law of the Land, which requires a trial by jury of peers under the 5th Amendment. ***The evidence of an alleged criminal complaint warrants arrest; search and seizure orders; marked by exhibit #1. The FBI agent was the signature on the warrant and there was not a written signed affidavit of a victim, sworn under penalty and perjury, that must be attached to the warrant. The FBI agent is a public citizen, the Respondent is one of the people. The Respondents body was not extradited but was forced by the Federal Norther District of Toledo, Ohio to appear via Zoom, for court procedures outside of their state borders, as condition for release. A judgement not by peers was made in violation of due process under the Law of the Land.***
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, in fact, Toledo Ohio Federal Court, issued the first search and seizure warrant, one day before, Washington DC issued an arrest warrant. Warrants 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 there was not a written signed affidavit that must be attached to the warrant. The FBI agent is a public citizen, the Respondent is one of the people. The Respondent's body was not extradited but was forced by the Federal Court to appear via Zoom for court procedures outside of their state borders. And any "contract" that was signed, was signed under threat and duress, of longer imprisonment and was signed under trickery because lawyers do not advise their clients, they are signing a contract of consent. See the "8 rules to contract law".*
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. *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. The Respondent has only been before, Federal judges. Not one lawyer in this case has questioned the legality of the arrest and the writ of habeas corpus was not mentioned.*
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. ***The Sheriff would be the proper officer of the county and the Sheriff was not part of the arrest, nor is his signature on the warrant.***
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 at gun point by several FBI Agents, and imprisoned 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, signature or the Sheriffs signature.***
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. *Warrants do not recite facts along with a written affidavit, signed under penalty and perjury, of a victim that has a right to claim a cause of action. It is a Maxim of law "there can be no crime without a criminal intent".*

8. It is an adjudicated fact that an agent of a corporation cannot be the victim listed on the Criminal Complaint, exhibit #1, or a witness to the Grand Jury, because corporations have privileges and can withhold evidence that may be enlightening or helpful to the accused and may be enlightening but not so helpful to the accuser. "In regard to the Fourth Amendment, it is contended that, whatever might have been alleged against the constitutionality of the acts of 1863 and 1867, that of 1874, under which the order in the present case as made, is free from constitutional objection because it does not authorize the search and seizure of books and papers, but only requires the defendant or claimant to produce them. That is so, but it declares that, if he does not produce them, the allegations which it is affirmed they will prove shall be taken as confessed. This is tantamount to compelling their production, for the prosecuting attorney will always be sure to state the evidence expected to be derived from them as strongly as the case will admit of. It is true that certain aggravating incidents of actual search and seizure, such as forcible entry into a man's house and searching amongst his papers, are wanting, and, to this extent, the proceeding under the act of 1874 is a mitigation of that which was authorized by the former acts; but it accomplishes the substantial object of those acts in forcing from party evidence against himself. It is our opinion, therefore, that a compulsory production of a man's private papers to establish a criminal charge against him, or to forfeit his property, is within the scope of the Fourth Amendment to the Constitution in all cases in which a search and seizure would be, because it is a material ingredient, and effects the sole object and purpose of search and seizure." "The interdiction of the Fifth Amendment operates only where a witness is asked to incriminate himself and does not apply if the criminality is taken away. A witness is not excused from testifying before a grand jury under a statute which provides for immunity, because he may not be able, if subsequently indicted, to procure the evidence necessary to maintain his plea. The law takes no account of the practical difficulty which a party may have in procuring his testimony". Boyd v. United States, 116 U.S. 616 (1886). *Therefore, the Petitioner is restrained by a judgment not by peers.*

9. It is an adjudicated fact, that "A witness who cannot avail himself of the Fifth Amendment as to oral testimony, because of a statute granting him immunity from prosecution, cannot set it up as against the production of books and papers, as the same statute would equally grant him immunity in respect to matters proved thereby."
"While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, a corporation is a creature of the State, and there is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers." "There is a clear distinction between an individual and a corporation, and the latter, being a creature of the State, has not the constitutional right to refuse to submit its books and papers for an examination at the suit of the State; and an officer of a corporation which is charged with criminal violation of a statute cannot plead the criminality of the corporation as a refusal to produce its books." Hale v. Henkel, 201 U.S. 43 (1906). "That which I cannot do myself I cannot do through the agency of another" Maxims of Law from Bouvier's 1856 Law Dictionary.
10. It is an adjudicated fact that without a waiver of rights any summary judgment without a judgment by peers is void for violation of due process under the Law of The Land as prescribed by The Supreme Court of The United States. "But by judgment of his peers or the law of the land" Murray's Lessee v. Hoboken Land & Improvement.
11. It as an adjudicated fact under The Pennoyer Rule Pennoyer v Neff Supreme Court, and that any judgment issued in violation of due process of law is void from the beginning, as well as Marbury v. Madison, 5 U.S. 137 (1803) Title 5 556-557.
12. 16 Am Jur 2d, Sec 177 late 2d, Sec 256, "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, in so far 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", is evidence that this court is without discretion to require the Petitioner to be physically restrained as required by state statute.

13. The adjudicated fact that, "consent of the parties to a contract must be 1. Free; 2. Mutual; and 3. Communicated by each to the other. A consent which is not free is nevertheless not absolutely void but may be rescinded by the parties. An apparent consent is not real or free when obtained through: 1. Duress; Menace; 3. Fraud; 4. Undue influence; or, 5. Mistake. Consent is deemed to have been obtained through one of the causes mentioned in the last section only when it would not have been given had such cause not existed. Duress consists in 1. Unlawful confinement of the person of the party, or of the husband or wife of such party, or of an ancestor, descendant, or adopted child of such party, husband, or wife; 2. Unlawful detention of the property of any such person; or, 3. Confinement of such person, lawful in form, but fraudulently obtained, or fraudulently made unjustly harassing or oppressive. Menace consists in a threat: 1. duress; 2. Of unlawful and violent injury to the person or property of any such person as is specified in the last section; or, 3. Of injury to the character of any such person. Fraud is either actual or constructive. 2009 California Civil Code - Section 1565-1590 :: Chapter 3. Consent. The Respondent was arrested for an alleged victimless "crime" that consisted of no violence or monetary loss.

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 *Langhoreman'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 F.2d 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.2d 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.2d.
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 particular 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 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 phantom, and the best laws are useless, if they be not religiously observed: the nation ought 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 if 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. It is a very 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
14. Shawndale Chilcoat does not consent to any contracts with Washington D.C. or Toledo Ohio Federal Courts.

Date 12-21-22

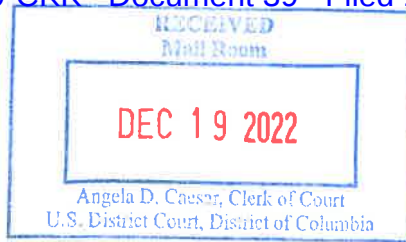

Shawndale D. Chilcoat

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 Ave
NW Washington DC 20001

Electronically Delivered



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
Defendants,

TO: CLERK OF THE ABOVE DISTRICT COURT

Comes now, two of the people of the state of Ohio, Shawndale D. Chilcoat, 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, and as an Agents of E-Clause 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.

Date

12-14-22

A handwritten signature in blue ink that reads "Shawndale D. Chilcoat". The signature is written over a horizontal line.

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

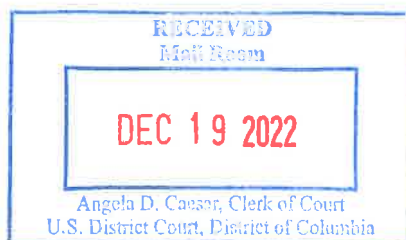
United States of America
Petitioner,

Case No 22cr299

v

Shawndale D. Chilcoat,

Donald E. Chilcoat
Defendants,



DEMAND FOR DISMISSAL

Comes now, Shawndale D. Chilcoat, sui juris, in her proper person objecting to the jurisdiction of this court pursuant to Ohio Revised Code, Title 3, Chapter 311, Section 311.07 and Ohio Rev. Code § 2307.382, and intends to give oral argument supported by the brief which will be timely filed within 14 days prior to the scheduled hearing pursuant to Ohio Rev. Code § 2307.382, and does hereby move this court to dismiss the Amended Petition.

Motion to dismiss pursuant to

- 1) lack of subject-matter
- 2) lack of personal jurisdiction

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. 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.
2. 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.
3. *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.)
4. 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 assertor. 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
5. The plaintiff seeks to know the name of the man or woman, that is one of the people, who has standing to claim a right to a cause of action, to have the government prosecute on behalf of?

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 F.2d 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 sine that was first establish 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 particular 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/Emér de Vattel; edited and with an introduction by Bé-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)*

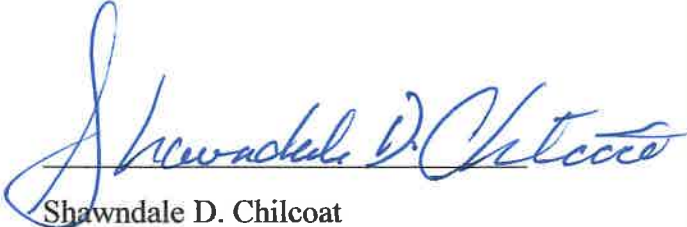
9. *On the support of the constitution and obedience to laws.* The constitution and laws of a state are the basis of the public tranquillity, and firmest support of political authority, and a security for the liberty of the citizens. But this constitution is a vain <10> phantom, and the best laws are 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. It is a very 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 then forward 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 considerable in themselves, may serve as steps to mount to higher and more pernicious enterprises. *Law of Nations 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 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

12-14-22


Shawndale D. Chilcoat

CERTIFICATE OF SERVICE

I certify that on the 14 day of December, 2022, a true and correct copy of the forgoing was served upon:

Clerk/DCD Intake

Delivered Certified Mail

United States District Court for the

District of Columbia

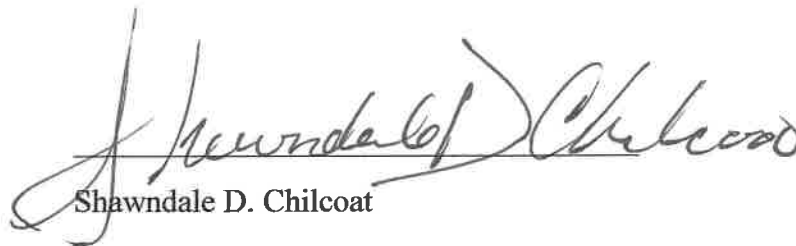
Constitutional Ave.

N.W. Washington DC 2002

C/O DCD Intake Case # 22cr299

12-14-22

Date


Shawndale D. Chilcoat

United States District Court for the District of Columbia

United States of America

Case No 22-cr-299

Petitioner,

v

NOTICE OF SPECIAL APPEARANCE

Shawndale D. Chilcoat,
Respondent,

TO: CLERK OF THE ABOVE DISTRICT COURT

Comes now, one of the Lawful people of the State of Ohio, Shawndale D. Chilcoat. The Respondent 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 add to exhibits attached to the Demand for Dismissal.). Shawndale Chilcoat does not consent to any contracts with Washington D.C. or Toledo Ohio Federal Courts.

12-21-22
Date


Shawndale D. Chilcoat

United States District Court for the District of Columbia

United States of America,
Petitioner,

Case No 22-cr-299

v

**Notice of Errata Demand to dismiss
due to lack of jurisdiction**

Shawndale D. Chilcoat,
Respondent,

The Respondent did not attach emails between the Respondent and Steven Kiersh, copies of emails are attached. Shawndale Chilcoat does not consent to any contracts with Washington D.C. or Toledo Ohio Federal Courts.



Complaint Form

1 message

2 days before first court appearance.

Office of Disciplinary Counsel <no-reply@wufoo.com>
To: shawnchil04@gmail.com

Sat, Sep 24, 2022 at 7:21 PM

Your Submission Date: 2022-09-24 18:15:45
Your complaint has been received. You will receive written notification when your complaint is processed and assigned to an attorney for review.

Complaint Form

| | |
|---------------------------------|----------------------------------|
| Title | Mrs. |
| Complainant First Name * | Shawndale |
| Middle | D |
| Complainant Last Name * | Chilcoat |
| Street Address * | 3528 Bunker Hill Rd. |
| City * | Celina |
| State * | Ohil |
| Zip Code * | 45822 |
| Country * | United States of America |
| Business Phone | 5676443313 |
| Email * | shawnchil04@gmail.com |
| Attorney First Name * | Steven |
| Middle | R |
| Attorney Last Name * | Kiersh |
| Street Address | 5335 Wisconsin Ave. NW Suite 440 |
| City | Washington |
| State | DC |

Zip Code 20015
Country United States of America
Telephone No. 2028351543
Email Address skiersh@aol.com
Have you filed a similar complaint with another agency or official? * Yes
If yes, provide the official or agency name, the date on which you filed the complaint, and the details of the complaint. If you have a copy of the complaint, please attach a copy on the next page. I will attach the request for the new attorney, Im not sure what the name of the court was but the email i sent it to was dcd_intake@dcd.uscourts.gov
Do you have a written retainer agreement with the attorney? If yes, please attach a copy on the next page. * No
Do you have other documents that are relevant? If yes, please attach copies on the next page. * Yes
Does your complaint involve an underlying civil, criminal, or EEOC matter? * Yes
Please provide the following: Criminal
Name of Court, Case Title, and Case number United States District Court for the District of Columbia, United States of America v. Shawndale Chilcoat and Donald Chilcoat, Case 1:22-cr-00299-ckk
Date Case Was Filed Thursday, August 11, 2022


DETAILS OF COMPLAINT *

I requested of the court to be assigned a new attorney on Sept. 14, 2022, because of concerns of competency and trust issues with Mr. Kiersh. I have made it clear to Mr. Kiersh several times i am getting a new attorney but in spite of my request Mr. Kiersh will not stop pressing for my discovery packet. After I filed my request Mr. Keirsh not only made me feel like i might not get another attorney, but he has also been very persistent to keep filing for things for me that I am able to have my new attorney do. He has pressed me to let him file


to waive my rights to a speedy trial, something I made clear I can wait for my new attorney to do but even after that he filed for what he told me was, "standard in all January 6th cases", a protection order which would have given him access to my discovery packet. On the telephone, when I asked Mr. Kiersh why he filed the extension he said, "he had to file extension to waive the speedy trial because the judged wanted it from my attorney and my husband's attorney and it was to make sure this time was not counted against us". Mr. Kiersh tried to trick me into signing which would have allowed him to view my discovery packet. He was deceitful and its becoming boarder line harassment. Please make him stop, I do not want him involved in my case in anyway. I am attaching our emails to each other and the request for the new attorney. Thank you

How many files would you like to attach? Two Files

Attach a file

 [kiersh_emails.pdf](#)
5.66 MB · PDF

Attach a second file

 [request_for_new_attorney.pdf](#)
6.26 MB · PDF

I hereby certify to the Office of Disciplinary Counsel that: *

- the statements contained in the foregoing Complaint are true and correct to the best of my knowledge.

*

- I hereby acknowledge that:

I agree that *

- **the checkbox and my name typed below are to be used as my electronic signature.**

Signature *

Shawndale Chilcoat

Date *

Saturday, September 24, 2022



OFFICE OF DISCIPLINARY COUNSEL

October 17, 2022

CONFIDENTIAL

Hamilton P. Fox, III
Disciplinary Counsel

Julia L. Porter
Deputy Disciplinary Counsel

Senior Assistant Disciplinary Counsel
Myles V. Lynk
Becky Neal

Assistant Disciplinary Counsel
Carroll G. Donayre
Jerril U. Danson
Dru Foster
Jason R. Horell
Ehsbahj Kalantar
Jehani C. Lowery
Sean P. O'Brien
Joseph C. Perry
Melissa J. Rofflet
William R. Ross
Traci M. Tait
Cynthia G. Wright

Senior Staff Attorney
Lawrence K. Bloom

Staff Attorney
Arquimedes R. Leon
Amanda Ureña
Angela Walker

Manager, Forensic Investigations
Charles M. Anderson

Investigative Attorney
Azadeh Marinpour

Shawndale D. Chilcoat
Sent via email only to: shawnchil04@gmail.com

Re: **Kiersh/Chilcoat**
CJA No. 2022-C033

Dear Ms. Chilcoat:

We reviewed your disciplinary complaint against your defense attorney Steven R. Kiersh, Esquire, your attorney-of-record in: (1) *U.S. v. Chilcoat*, Case No. 1:22-cr-00299, and (2) *U.S. v. Chilcoat, et al.*, Case No. 1:22-mj-00179, filed in the United States District Court for the District of Columbia. Both cases are pending.

You state that you told Mr. Kiersh that you were getting a new attorney, but Mr. Kiersh continued to seek discovery and file pleadings in your case, including a waiver of speedy trial. As Mr. Kiersh communicated to you in the September 15, 2022 email, he was obligated to represent you until you get a new attorney. On September 26, 2022, Mr. Kiersh asked the court to withdraw. The court did not allow him to withdraw until a new attorney filed a notice of appearance. The docket reflects that he is still your attorney of record. As long as Mr. Kiersh represents you, we will not open a formal investigation.

As long as he is your attorney, we do not have the authority to interfere in Mr. Kiersh's communications with you or his efforts to represent you. If the court grants his motion to withdraw, or if the court finds that your attorney has acted improperly, then you may provide this information, and we may reconsider your complaint.

This file is now closed.

Sincerely,

Angela Walker
Staff Attorney

AW:BN:asw:snl

Case 1:22-cr-00299-CKK

Shawndale Chilcoat

3528 Bunker Hill Rd.

Celina Ohio 45822

Charges

18 USC 1512 c 2 and 2, 18 USC 1752 a 1, 40 USC 5104 e 2 a, 40 USC 5104 e 2 d, 40 USC 5104 e 2 6

Motion to Dismiss

As an American Citizen of Ohio I must say I have been completely baffled by these charges. We caused no harm or monetary damages, where is the crime? Who is the victim? In court, on August 11, 2022, When the judge asked the Toledo Ohio Prosecutor, if there was a Victim Impact Statement she stated "in this case The United States Government is the victim" I am the government, how am I a victim to myself? And how can an entity/corporation be a victim? It is not a human-being.

On August 11, 2022 I was lying in bed at 6:40 am when I heard a slew of vehicles pull into my drive, I jumped out of bed and went to the door to see at least 4 FBI vehicles with guns pointed at me for having the audacity to protest my government for what I believed and still do believe to be a stolen election. I was arrested, my belongings were taken and I was thrown in jail for 4 days. A place I have never been and never thought I would be.

Felony charges were especially shocking to me not only because we caused no harm or monetary loss but also because for the last 2 years, I was convinced that nobody had ever been arrested because what I witnessed was a psychological operation. And I assumed the operation was coming from the "good guys", I'm sure after 2 years of investigation it is known to the FBI that this is what I thought, talked about it to friends often. I seen very little violence, no fires, no shootings. I have never considered that day to be a riot. The people that I seen and myself were deeply concerned that a fraudulent election was about to be certified.

On that day we were invited to come to Washington D.C. to attend a rally, by the President of the United States. We listened to the Commander and Chief who said the election was stolen and he would not concede. We walked to the capital and there were people everywhere, not beating on people or setting fires but yes going to the doors. People were on the roofs rooting us up. How did they get up there? It looked like they were spraying tear gas but it never affected my eyes and I never wore a mask. Before entering the building, I noticed a man in the window gesturing us to come in, there were many of us out there and nobody went to that door, so the man in the window in every-day clothes came to the door, from the inside and opened it up. He went back to the window from the inside gesturing for us to come in. That's when people went in. Inside I believe there were four capital police. One at the top of a stairway and 3 sparsed across a large hallway. The people were not violent we were asking to be let through, I cannot speak for everyone but I wanted through to force congress to see me and hear me. I wanted them to do their job and investigate. Eventually one guy actually passed the officer and the officer seemed to be only acting to hold him back and then everyone walked through. Me along with the other people that were walking up the steps were singing "God Bless America" as we climbed the steps. I have this on video. At the top of the steps the group I was with continued going straight but I, for some

reason I don't know why, turned right and opened the door. I was surprised to see one man standing inside the door to the right, as if he was guarding it, he looked back and looked shocked to see me. In front of me was the "guy with the horns" Jake, sitting at the main desk in congress chamber. He appeared to be going through papers on the desk. He looked up and also looked shocked to see me and hurried and stood up and put his cape thing back on. I said "what they just left?" and kind of laughed and then I said "it's not as big as it looks on TV is it?" then a guy in plain clothes came in the room and said something like "don't destroy this place there is a lot of history in here" and I said "we're not" damaging things was never on our minds. I have all of this on video. There was also a man up in the balcony taking pictures or videos of us. Then a woman who appeared to be a Trump supporter ask me and my husband to take a picture of her with our phone because she didn't have hers, at first, I was like "well how am I going to get it to you? And she said she'd give me her number and I could send it. Yes, this was an odd request but we did it, and it was later deleted and never sent, and since we took her picture, it made us think to take ours as well, so we did. In retrospect this seemed to be a distraction because by the time we finished everyone in the room had left. And it was just me, my husband, that girl and one capitol officer in the room. I asked him "where did everyone go?" and he said "that way" and pointed to the door. The girl had a "be quiet" sign or something like that in her hand and the officer told her she would have to leave that. We kind of laughed and we went out the door. In the hallway, in front of maybe 3 capitol officers or workers, I sat my bookbag down, pulled my coat out, put it back on and we walked out the building. I want to also state that the "guy with the horns", I also have him on video outside the building before going in, standing on a cement rise of some sort speaking through his megaphone with a capital police officer guarding him: The Officer was wearing a face shield. This is the main reason I thought this was a "good guy" operation. Because until recently I thought he was "the guy with the horns" was a good guy. As well as the door being opened from the inside and very little of what appeared to be pretend resistance.

We then walked to a bench to sit down because my feet hurt and my daughter called concerned saying "Are u ok?" and I said "yes" then she said "a girl got shot" and I said "nobody got shot, that's not true" I did not hear anything, see nothing or anything that indicating someone had been shot. No bangs, no screaming and running, no ambulance, nothing. How could my daughter have been in Celina Ohio, hear a girl was shot and I'm right there and nothing appears to be that way? There were no news channels there that day, in fact the only news I seen that entire day was Epoch News without a camera, their jackets were the only indication of who they were. People could not go live on Facebook that day, in fact we couldn't even get on the internet, only text and phone calls. How could no news channels be at this event, and nobody could be on the internet, but my daughter in Celina Ohio hears this before I was told? I was right there, how? I hung up the phone with my daughter and we walked to the Supreme Court which is where the "ladies for trump" had said to meet after Congress. There was a list of times and places to protest that day. After I realized nobody was coming, we walked back to the hotel, got in our car and headed for home. I have no doubt this is all on camera.

I cannot and will not speak for everyone there but I will speak for myself, I have 90% of it on video and I'm sure the government has the other 10%, if not all, on video. We caused no harm and caused no monetary loss. For almost 2 years, I thought I witnessed a "good guy phycological operation of patriotism" that day, it wasn't until recently I learned it was a "bad guy operation of entrapment". The charges against me and my husband are ridiculous. I have had my home rummaged through, my belongings taken, embarrassed in front of my children and for my children. There isn't any way the FBI

did not know I was a good person and meant no harm. They investigated me for two years and knew I wasn't a threat, yet they came to my door with guns pointed at me, which has caused PTSD. Looking back, I also believe they were trying to entrap me in other ways for example; I had a guy in a mutual group, from another country on FB, friend request me I accepted and he seemed to want to talk about his country's government and my country's government a lot. Since I never thought for one second, that I was being investigated I just thought he was looking for a wife in the United States and quickly deleted and blocked him. I've had several odd things happen in the last two years but I won't mention them now. I would also like to bring up the fact that there is in no way that in the last 2 years of investigating me the FBI did not hear and watch me fighting with Kindred Hospital, Lima Ohio, about giving my husband Narcan while in the hospital with covid. They would have also seen my proof when I was posting pics of the med list online to get advice. Why did they not start to investigate the hospitals for giving covid patients Narcan? I admit I have been very naive with this whole situation but maybe me being naive is what actually kept me safe. I until recently I did not understand how much danger our government put us in in that day. Not only were we vulnerable to the vicious rioters that we thought were friends. We were none the wiser, which could have made it worse. The National Guard should have been there to protect patriotic protesters from rioters and psychological operations. Me and my husband are the victims in this case.

I cite Article I Section 21 of the Ohio Constitution: "Preservation of the freedom to choose health care and health care coverage", because I know the Obama Care Law is what allows the people of Ohio to have their privacy rights taken away by agencies, banks and so on. Obamacare is another unconstitutional legislative law in the State of Ohio.

My husband's lawyer asked him to tell the prosecutors "why we did what we did that day" so they could offer us a deal. We have no interest in a deal but I would love to explain "why we did what we did that day" with documented and undocumented evidence. It is surprising to me that after studying the Constitution the neither lawyer in this case has mentioned any of them. Neither lawyer has mentioned anything. My husband's attorney did not file a motion to have him released from home detention when asked to do so and then was upset that he sent a certified letter to Toledo courts requesting to be. I also have lack of trust in her since 3 months after being charged she still did not have his warrant and he stated this in the certified letter to Toledo court. The lack of communication in this case is astounding to me. I have explained in a certified letter to the court, that was received on Nov. 4, 2022, that I do not consent to signing a protection order because I know this only protects the people who are lying, not us. We have nothing to hide. Can they say the same? The government states it is because there are maps on these videos and for National Security reasons, they can't show them. Why can't they blur them out? I can't help but think they also want to control my evidence. I also stated in that same letter that Mr. Kiersh had harassed me again and that I felt he was trying to entrap me to sign the protection order which goes against my best interest and that I stated in court on September 26, 2022 that I did not trust him and wanted another lawyer. I still, to this day have heard nothing from the court about a new attorney, so I apologize for the way that this "Motion for Dismissal" is presented, I have not had any legal advice and cannot afford to hire a lawyer on my own because the government has forced my husband's company to fire him because they have government contracts. I also have not received an explanation as to why I received an email on September 26, 2022 stating the "December 9, 2022 court date had been cancelled" but it also included an invite link for the December 9, 2022 Zoom meeting. In fact, since September 26, 2022, I have had no communication from the court other than a text I received

last Friday letting me know I'm due in court December 9, 2022. Since I am my own lawyer, and stated so in the certified letter received on November 4, 2022, shouldn't I have received all the information Mr. Kierish has? Also in this letter, I requested the court to communicate with me via US Mail and I have received nothing. I had made a bar complaint on Mr. Keirsh for harassment and their response to me was they cannot review it because they had seen that Mr. Keirsh was still my attorney. This was not because of my doing, I stated in court September 26, 2022 I wanted a new attorney because of competency and trust issues with Mr. Keirsh. I was told that I can have one more attorney but for the time being Mr. Keirsh would stay as my attorney because of "media contacts". Which I have never understood because I welcomed the media contacting me. I do not consent to the unconstitutionality of this entire case. We do not consent.

Everything we did that day is Constitutionally protected I am requesting that all charges be dismissed and for you to allow two American Citizens to get on with their lives, Christmas is coming and my husband would like to get back to work. Dismissal would allow this. But if not, I will get ready for a public trial because unconstitutional legislative laws should not and cannot stand. The following is documented and undocumented evidence is to answer "why we did what we did that day" as well as some concerns. Any cases that are not included with this document will have to be subpoenaed. Unfortunately, all January 6 cases are sealed, which makes it difficult to use precedence with case law and it also makes it hard to be sure that each and every person is being treated equally, which also violates the Constitution. All of the following apply to this case and the human beings involved in this case. 18 USC 241 Conspiracy Against Rights, 18 USC 371 Conspiracy to Defraud the United States, Login Act, National Emergencies that we are currently under, Executive Order 13818 Blocking the Property of Persons Involved in Serious Human Right and Abuse or Corruption, Executive Order 13848 Imposing Certain Sanction in the Event of Foreign Interference in a United States Election

"How can a law be created that refutes the very foundations of our country? The government is composed of individuals We The People appoint. We decide by vote, whom is able to project and represent our wants, needs and objections as a nation. In the constitution, it is written that the people of our nation shall have the right to remove, add or overthrow any government official that is not serving their purpose OR is in breach of their obligation to us." These laws are unconstitutional. We The People along with over 100 Congressman were demanding that the election be investigated for fraud and we were arrogantly ignored.

12-16-22
Date

Shawndale D. Chilcoat
Shawndale D. Chilcoat
3528 Bunker Hill Rd.
Celina, Ohio 45822

12.16.22
Date

Holly Hone
Notary Public



HOLLY HONE
Notary Public • State of Ohio
My Commission Expires:
September 30, 2027

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 Opavich, Clerk of Court United States District Court Northern District of Ohio



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

Judge's 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, Offense Description. Rows include 18 U.S.C. § 1752(a)(1), 18 U.S.C. § 1752(a)(2), 40 U.S.C. § 5104(e)(2)(B), 40 U.S.C. § 5104(e)(2)(D), 40 U.S.C. § 5104(e)(2)(G), and 18 U.S.C. § 1512(c)(2).

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

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

Attest: Sandy Opadch, Clerk of Court United States District Court Northern District of Ohio



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 Deputy Clerk

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.

Judge's signature

City and state: Toledo, Ohio

Darrell A. Clay, U.S. Magistrate Judge

Printed name and title