

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

HON. COLLEEN KOLLAR-  
KOTELLY

v.

Case No. 22-cr-00170

TREVOR BROWN,

Defendant.

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**REPLY BRIEF IN RE MR. BROWN'S *PRO SE***  
**MOTION TO DISMISS**

Mr. Brown argues that Title 18 was unconstitutionally passed by Congress. In support, he argues that his position is supported by “the Office of Legal Counsel, the National Archives and Clerk of the House of Representatives, written public record testimony, an official government document by Director of the Bureau of Prisons, Harley Lappin,” all of which “expos[e] THERE IS NO LAW applicable to Trevor Brown identifiable in the pleadings from the United States Attorneys working for the United States in the limited venue of District of Columbia.” Pro Se Brown Mtn. at p. 27.<sup>1</sup>

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<sup>1</sup> It should be noted that in his Motion, Mr. Brown has requested to represent himself pursuant to *Faretta v. California*, 422 U.S. 806 (1975), and that undersigned counsel be removed as his attorney. However, this issue has not yet been reached because Mr. Brown was found to be incompetent by the Court pursuant to 18 U.S.C. § 4241(a). Once Mr. Brown is restored to competency, this

He also states that he never received an “identity hearing” establishing that he is the same Trevor Brown named in the Complaint and Indictment.<sup>2</sup> *Id.* at 31. He requests “tort” damages in the amount of \$6,460,000 dollars for being improperly charged under a defective statute and title, along with daily accruing damages. *Id.* at 29-33.<sup>3</sup>

Mr. Brown states that an unconstitutional process was used to pass Title 18 in 1947 and 1948. Namely, that “[t]he text of the bill, H.R. 3190 as amended, which became Public Law 80-772 (enacting Title 18 United States Code, and especially Section 3231), was passed only by the Senate and never passed by the House of Representatives due to ‘no quorum’ . . .” And when the Senate amended the improperly passed bill, the House voted on the amendments but never voted on the amended bill as a whole, and “signed it into law in a closed session while

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issue will need to be resolved.

<sup>2</sup> A minute entry from the Eastern District of Michigan for July 1, 2021, his first appearance on the complaint, indicates that Brown was appointed counsel and “waived removal hearing”. The audio recording from that day (which is on the docket) – from 6:27 to 6:55 reveals that Mr. Brown was told of his right to an identity hearing and that he verbally waived that right. See Docket Sheet, Eastern District of Michigan, Case #21-mj-30325.

<sup>3</sup> Although Mr. Brown’s tort claim appears to be a matter for a civil filing under either the Federal Torts Claims Act and/or *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), this Honorable Court should allow Brown the opportunity to resurrect his claims in a properly filed Federal civil action.

Congress was adjourned.” As a result, Brown argues that because the bill was not repassed “by two thirds of the Senate and House of Representatives... [t]he bill is not a law” under the United States Constitution. See Article I, § 7, Cl. 3. It then follows, according to Mr. Brown, that Title 18 cannot provide “original jurisdiction” over his case, as articulated in the defective bill. *Id.* at 69-71.

Simply put, the Government does not address the alleged procedural impropriety in the passing of the bill authorizing jurisdiction under Title 18 in 1947 and 1948. This is, after all, Mr. Brown’s specific jurisdictional argument in his Motion to Dismiss. Instead, the Government argues that because “Brown is charged with criminal offenses under Title 18 and 40, no more is necessary to establish subject matter jurisdiction.” *United States v. Fahnbulleh*, 752 F.3d 470, 476 (D.C. Cir. 2014). See United States’ Opposition to Defendant Trevor Brown’s Motion to Dismiss. Document 39, Filed 07/13/22, Page 8. This argument presumes Title 18 was passed in a constitutionally permissible fashion by Congress. Although counsel has been unable to find any case supporting the defendant’s position, this Honorable Court should address this specific jurisdictional claim in order to properly resolve the issue raised by Mr. Brown.

Respectfully Submitted,

s/ Todd A. Shanker  
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Dated: July 13, 2022

**CERTIFICATE OF SERVICE**

Counsel certifies that on July 13, 2022, the foregoing paper was filed with the clerk of the Court using the ECF system which will notify opposing counsel.

Immediately after filing, counsel will also email this Reply to Mr. Brown.

Respectfully submitted,

s/Todd Shanker