

1 DATE TO FILE CAPTIONED

Judge CKolla-Kott
Dec 28, 2022

United States District Court for the District of Columbia

United States of America
Petitioner,

Case No 22cr299

v

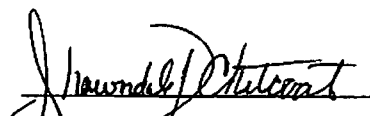
NOTICE OF SPECIAL APPEARANCE

Shawndale D. Chilcoat

Donald E. Chilcoat
Respondent's,

TO: CLERK OF THE ABOVE DISTRICT COURT

Comes now, two of the people of the State of Ohio, Shawndale D. Chilcoat and Donald E. Chilcoat, two of the Lawful people of Ohio, Respondents in the matter above listed 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 an affidavit in support of Demand to Dismiss.


Shawndale D. Chilcoat

12-23-22
Date


Donald E. Chilcoat

12-23-22
Date

United States District Court for the District of Columbia

**United States of America
Petitioner,**

v

Shawndale D. Chilcoat,

**Donald E. Chilcoat
Respondents,**

Case No 22cr299

**Affidavits in Support of
Motion to Dismiss**

Comes now, Shawndale D. Chilcoat and Donald E. Chilcoat, sui juris, in their proper persons, to submit 2 affidavits in support of Motion to Dismiss.

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 Constitutional Ave
N.W. Washington D.C. 20001

Electronically Delivered

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 f

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 capitol 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. Klersh 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. Kiersh 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, Logan 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

Motion to Dismiss Case 1:22-cr-00299-CKK

I am filing another Motion to Dismiss due to Fraud. The court should receive my first motion to dismiss on December 7, 2022. It was via USPS over-nighted yesterday on December 6, 2020. In my first motion to dismiss I explained what happened on January 6, 2021. Mr. Keirsh was aware of what happened the day after seeking appointment. I explained to the court on September 26, 2022 that I wanted a new attorney because I had read bad reviews about him online, and that he represented another J6 defendant that was not on the same wave length as I was that day, also that he reached out to me the night before my first DC appearance and stated that he was part of a J6 panel of attorneys and that he would like to represent me and that I accepted because I was off my game from the arrest, was under stress. But I never felt right about it so I wanted a new attorney. Mr. Keirsh denied all of this in court and stated that he was appointed. I then stated to the court that he was not telling the truth, that when we appeared via Zoom, Mr. Keirsh stated he was "seeking appointment" and that Judge Robin M. Merlweather seemed confused and ask "your seeking appointment?" and then she allowed it. I stayed and listened to the next court appearance and that mans lawyer didn't state he was "seeking". I stated in my certified letter, the court on November 4, 2022, how he harassed me again to be my attorney and I planned to get the transcripts of the day of appointment, to prove it. I will send those as soon as I get them. It never sat right with me when he called me that night to be my attorney, he sent me a blank email and then had me reply to it "just to be sure we had the right emails", and it always bothered me that his last name was misspelled (keiarsh) the first time he emailed me as well. Notice on August 23, 2022 emails, I was asking if someone was going to reach out to my husband to be his attorney, as well.

On September 26, 2022, during the court appearance, when asked why I wouldn't sign the "Protective Order" I stated "because we did nothing wrong, so why would I need a Protective Order?" and then the Prosecutor stated it wasn't for me it was because we were seen on several cameras and due to the maps on the walls it would be National Security Issue. Its 2022, I have no doubt those could be blurred out.

As previously stated Mr. Keirsh was told my story of J6 and it was long before September 26, 2022. He knew I was confused as to why nobody was asking me about the videos that I had because, I felt they were damaging to the governments case and helped mine. I also stated this in my certified letter received by the court on November 4, 2022. When I told Mr. Keirsh about what I had on video he stated "ok so listen, if it comes to that at some point we might take that to the government for some kind of deal". And when I stated in court "I don't need a Protective Order I did nothing wrong" I did not know at the time, but Mr. Keirsh did and so did the Prosecutor, that this would mean the prosecution would control my evidence, evidence that through trial or the media would prove my innocence. But Mr. Keirsh not only didn't try to stop it he harassed me several times to sign it. Mr. Keirsh was also very undecided, one conversation he was telling me "we are going to have to go to the jury and request it to be out of DC, because I wont get a fair jury" or "listen the prosecutor might seem like shes wanting to go light on u but the DOJ is calling the shots on these cases" and then "ok so listen, if it comes to that at some point we might take that to the government for some kind of deal".

I am attaching the numerous emails that Mr. Keirsh sent me trying to get me to sign the Protective Order, before the September 26, 2022, court appearance and after he was told my story. This is true of my husbands attorney, as well. She knew his story and did not once tell him it might not be in his best interest. Mr. Keirsh even tried to intimidate by sending me an email with the Prosecutors message

saying "The Protection Order was standard in all J6 cases", well maybe, but that's not in our best interest and our lawyers should have said so. Mr. Keirsh even had the audacity after saying that I was lying in court on September 26, 2022, and after I made a Barr Complaint on him for harassment, to contact me again on October 28, 2022 stating he is reaching out for the Federal Public Defenders to "Inquire if you still desire appointment of new counsel". It was eerie how he would act like I didn't just tell him I didn't want him as an attorney and assume he could do things. I would call him right after receiving another email from him and say "No I don't want you as an attorney, I will have someone else do it" I just couldn't get him to go away.

Recently, when going through emails I noticed that my first attorney Thomas Kurt in Toledo, Ohio, had the option to appear with me my first day in DC courts, Mr. Keirsh's phone call the night before the court date prevented this. I'm confused as to why Mr. Kurt hasn't been my attorney this entire time? Why do we have to have attorneys outside of our state? Wouldn't attorneys from our own state make more sense? If we'd been appointed Ohio attorneys they would be more familiar with our state constitution and we could drive to their offices and be able to expect real privacy when speaking to our attorneys.

Mr. Keirsh was not working for me, he was working for the other side against my best interest. All email correspondence are attached.

Motion for Dismissal

FRAUD, contracts, torts. Any trick or artifice employed by one person to induce another to fall into an error, or to detain him in it, so that he may make an agreement contrary to his interest. The fraud may consist either, first, in the misrepresentation, or, secondly, in the concealment of a material fact. Fraud, force and vexation, are odious in law. Booth, Real Actions, 250. Fraud gives no action, however, without damage; 3 T. R. 56; and in matters of contract it is merely a defence; it cannot in any case constitute a new contract. 7 Vez. 211; 2 Miles' Rep. 229. It is essentially ad hominem. 4 T. R. 337-8.

2. Fraud avoids a contract, ab initio, both at law and in equity, whether the object be to deceive the public, or third persons, or one party endeavor thereby to cheat the other. 1 Fonb. Tr. Equity, 3d ed. 66, note; 6th ed. 122, and notes; Newl. Cont. 352; 1 Bl. R. 465; Dougl. Rep. 450; 3 Burr. Rep. 1909; 3 V. & B. Rep. 42; 3 Chit. Com. Law, 155, 806, 698; 1 Sch. & Lef. 209; Verpl. Contracts, passim; Domat, Lois

Civ. p. 1, 1. 4, t. 6, s. 8, n. 2.

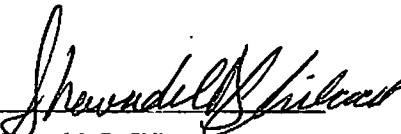
3. The following enumeration of frauds, for which equity will grant relief, is given by Lord Hardwicke, 2 Ves. 155. 1. Fraud, dolus malus, may be actual, arising from facts and circumstances of imposition, which is the plainest case. 2. It may be apparent from the intrinsic nature and subject of the bargain itself; such as no man in his senses, and not under delusion, would make on the one hand, and such as no honest and fair man would accept on the other, which are inequitable and unconscientious bargains. 1 Lev. R. 111. 3. Fraud, which may be presumed from the circumstances and condition of the parties contracting. 4. Fraud, which may be collected and inferred in the consideration of a court of equity, from the nature and circumstances of the transaction, as being an imposition and deceit on other persons, not parties to the fraudulent agreement. 5. Fraud, in what are called catching bargains, (q. v.) with heirs, reversionsers) or expectants on the life of the parents. This last seems to fall, naturally, under one or more of the preceding divisions.

4. Frauds may be also divided into actual or positive and constructive frauds.

5. An actual or positive fraud is the intentional and successful employment of any cunning, deception, or artifice, used to circumvent, cheat, or deceive another. 1 Story, Eq. Jur. §186; Dig. 4, 3, 1, 2; Id. 2, 14, 7, 9.

6. By constructive fraud is meant such a contract or act, which, though not originating in any actual evil design or contrivance to perpetrate a positive fraud or injury upon other persons, yet, by its tendency to deceive or mislead them, or to violate private or public confidence, or to impair or injure the public interests, is deemed equally reprehensible with positive fraud, and, therefore, is prohibited by law, as within the same reason and mischief as contracts and acts done malo animo. Constructive frauds are such as are either against public policy, in violation of some special confidence or trust, or operate substantially as a fraud upon private rights, interests, duties, or intentions of third persons; or unconscientiously compromise, or injuriously affect, the private interests, rights or duties of the parties themselves. 1 Story, Eq. ch. 7, §258 to 440. > Shawndale Chilcoat: Now you know.

12-16-22
Date


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

12.16.22
Date


Notary Public



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