

<b>WHEN RECORDED RETURN TO:</b>
David A. Darby
P.O. Box 772
Ambay, Washington
[98601]

<b>DOCUMENT TITLE(S)</b>
Affidavit of Lien
<b>REFERENCE NUMBER(S)</b> of Documents assigned or released:
MC 12-5000 BHS Federal Court
<input type="checkbox"/> Additional numbers on page _____ of document.
<b>GRANTOR(S):</b>
David A. Darby
<input type="checkbox"/> Additional names on page _____ of document.
<b>GRANTEE(S):</b>
Public
<input type="checkbox"/> Additional names on page _____ of document.
<b>LEGAL DESCRIPTION</b> (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):
<input type="checkbox"/> Complete legal on page _____ of document.
<b>TAX PARCEL NUMBER(S):</b>
<input type="checkbox"/> Additional parcel numbers on page _____ of document.
The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

In the office of: Skamania County Recorder

State: Washington County: For Clark County but filed in  
Skamania County

County Recorder Number \_\_\_\_\_

United States District Court Number MC12-5000BHS Filed January 4<sup>th</sup>  
AD 2012

## Affidavit of Lien And Distress of Bonds

Bonded by the Criminal Complaint  
United States District Court Number MC12-5000BHS

A Commercial Warrant to seize, Arrest, and Impound all Bonds, Bar Accounts,  
and Assets Of all of the Following Defendants of the above Criminal Complaint  
In the following U.S. District Court Case: MC12-5000BHS Served January 4<sup>th</sup> AD 2012.

**(Defendants / Accused = D/A) (CC = Clark County)**

D/A-1: Greg Kimsey d.b.a. CC Auditor,

D/A-2: Tony Golik d.b.a. CC Prosecuting Attorney,

~~D/A-3: Curtis G. Wyrick d.b.a. CC Assistant Prosecuting Attorney,~~

D/A-4: Lori L. Volkman d.b.a. CC Deputy Prosecuting Attorney,

D/A-5: E. Bronson Potter d.b.a. CC Chief Civil Deputy Prosecutor,

D/A-6: Steve Stuart d.b.a. CC Commissioner,

D/A-7: Marc Boldt d.b.a. CC Commissioner,

~~D/A-8: Tom Mielke d.b.a. CC Commissioner,~~

D/A-9: Gary Lucas d.b.a. CC Sheriff,

D/A-10: Doug Lasher d.b.a. CC Treasure,

D/A-11: Bill Barron d.b.a. CC Administrator,

D/A-12: Peter Van Nortwick d.b.a. Assessor,

~~D/A-13: Linda Moorhead d.b.a. CC Code Enforcement,~~

D/A-14: Donna Goddard d.b.a. CC Code Enforcement Coordinator,

**(WA ST = Washington State) Thurston County**

D/A-15: Christine Gregoire d.b.a. WA ST Governor,

D/A-16: Brad Owen d.b.a. WA ST Lieutenant Governor,  
 D/A-17: Rob McKenna d.b.a. WA ST Attorney General,  
 D/A-18: Sam Reed d.b.a. WA ST Secretary State,  
 D/A-19: Barbara Madsen d.b.a. WA ST Chief Justice,  
 D/A-20: Charles Johnson d.b.a. WA ST Associate Chief Justice,  
 D/A-21: Gerry Alexander d.b.a. WA ST Justice,  
 D/A-22: Charles K. Wiggins d.b.a. WA ST Justice,  
 D/A-23: Tom Chambers d.b.a. WA ST Justice,  
 D/A-24: Susan Owens d.b.a. WA ST Justice,  
 D/A-25: Mary Fairhurst d.b.a. WA ST Justice,  
 D/A-26: James Johnson d.b.a. WA ST Justice,  
 D/A-27: Debra Stephens d.b.a. WA ST Justice,  
~~D/A-28: Ronald Culpepper d.b.a. PIERCE COUNTY District Court Judge.~~

**Crossed out names have left corporate government service or replied to the affidavit as is required by Law. Let it be known there is no statute of limitation on Constitutional violations.**

The Above officers of the County and the State, in the matter of U.S. District Court Case: MC12-5000BHS, the above Defendants being found guilty by not answering the Criminal Complaint Affidavit with a point for point rebuttal. The Defendants are now subject to the commercial warrant to seize, arrest, and impound all Bonds, Bar Accounts, and Assets Of all of the above Defendants of the above Criminal Complaint, in the following U.S. District Court Case: MC12-5000BHS Served January 4<sup>th</sup> AD 2012. If the individual assets of each defendant are not enough to cover the value of the lien that has been placed upon each defendant, then CLARK COUNTY and/or WASHINGTON STATE will be responsible for the remainder due on this lien.

To: County and State officials that are responsible for the CLARK COUNTY and WASHINGTON STATE responsibilities of the remainder of the lien.

**Marc Boldt d.b.a. Clark County Commissioner**

**Tom Mielke d.b.a. Clark County Commissioner**

**Steve Stuart d.b.a. Clark County Commissioner**

**Mark R. Wilsdon d.b.a. Clark County Risk Manager**

**Mark McCauley d.b.a. Clark County General Services Director**

P.O. Box 5000, Vancouver, Washington 98666-5000

**Gary Lucas, d.b.a. Clark County Sheriff**

707 West 13th Street, Vancouver, WA 98660; Mailing Address: P.O. Box 410, Vancouver, WA 98666 (360) 397-2211

**Guida McClain, Risk Management Services**

**Arthur J. Gallagher, Risk Management Services**

P.O. Box 2925, Tacoma, Washington 98401-2925 (253-627-7183)

**Christine Gregoire, d.b.a. WA ST Governor**

416 Sid Snyder Ave SW, Suite 200, Olympia, WA 98504-0002

**WASHINGTON STATE BAR ASSOCIATION; 1325 Fourth Ave., Ste. 600**

Seattle, WA 98101-2539 (206-443-9722)

**Marty Brown, Director of Washington State Office of Financial Management**

Insurance building, 302 Sid Snyder Ave SW, Olympia, WA 98501-1342; P.O. Box 43113, Olympia, WA 98504-3113, (360-902-0555)

**Mike Kreidler d.b.a. Washington State Insurance Commissioner**

5000 Capitol Blvd., SE; Tumwater, WA 98501, PO Box 40256

Olympia, WA 98504-0256 (360-725-7000)

**Hartford Casualty Insurance Company**, One Hartford Plaza, Hartford, Ct. 06155-0001

**Travelers Casualty and Surety Company of America**,

One Tower Square; Hartford, Ct., 06183

**Colonial American Casualty & Surety**,

1400 American Lane, Tower I, 19<sup>th</sup> Floor, Schaumburg, Illinois, 60196

**TransUnion Credit Reporting Company**, 1561 East Orangethorpe Ave., Fullerton CA 92831

**Experian Credit Reporting Company**, P.O. Box 740256, Atlanta, Georgia 30374

**Equifax Credit Reporting Company**, P.O. Box 740241, Atlanta, GA 30374.

From:

**David A. Darby** Sovereign Common Law free man, In Propria Persona a natural born individual  
PO Box 772, Amboy, Washington Zip exempt Non Federal District

A United States of America, First Amendment Affidavit Petition for Redress of Grievances. (An Affidavit, Citation, and Brief of Information with attached Criminal Complaint and Exhibits.)

## **Affidavit of Distress on Judicial Bonds and Commercial Bonds Affidavit of Obligation of Specific Performance**

Please be advised: I, David A. Darby, Sovereign Common Law Free Man and Natural Person of inherent jurisdiction representing myself and also representing all of the sovereign people of the State of Washington by Proxy, say that Notice is hereby given to and demand is hereby made upon all Bonding Companies that have bonded any of the above defendants in United States District Court Case # MC12-5000BHS including, but not limited to: Hartford Casualty Insurance Company, Travelers Casualty and Surety Company of America, Colonial American Casualty & Surety and others not mentioned, Supreme Court Administrator of WASHINGTON STATE, the CLARK County Board of Commissioners, The State and County Departments of Risk Management, and the CLARK County Sheriff to Arrest, seize, and Impound (Suspend the Use of) the Bonds or Bar Account of the above Cited Distress Defendants.

This Distress is both criminally and commercially bonded by the attached Criminal Complaint filed in the 9<sup>th</sup> District Federal Court on 1/4/12 with a District Court Judge acting as Magistrate Judge in Tacoma, Washington, and the Commercial Lien was also filed on the same day of 1/4/12 in the amount of **\$580,000** per judge and **\$570,000** per non judge per case # MC12-5000BHS, page 50. In a total amount of \$16,060,000 and represents the value claimed against the Distress Defendants and their employers the County of Clark and the STATE OF WASHINGTON as of April 5<sup>th</sup> 2012 AD.



The total amount of \$16,060,000 is now collectable by David A. Darby, plaintiff in the criminal complaint.

David A. Darby is the proxy for all sovereign land owners; the amount of \$13,200,000 is now multiplied by all of the land owners in Clark County and the State of Washington. The total number of sovereign land owners Per the 1878 Constitution of the State of Washington in Clark County is recorded in the assessor's office at approximately 160,000. That makes the total County responsibility to the sovereign land owners of Clark County  $160,000 \times \$13,200,000 = \$2,112,000,000,000$ . This does not include all the other sovereigns in the other counties in the State of Washington.

Since, the defendants treated this process with contempt, they are all found guilty of - rebelling against - the lawful 1878 Constitution of the State of Washington (18 USC 2383). The 1878 Constitution of the State of Washington is now reinstated, and can be used by any sovereign of the State of Washington to protect his or her Rights. Therefore, all land owners are Sovereign Land Owners.

## AFFIDAVIT OF FACT

I, David A. Darby, (Affiant) am personally appearing before Notary, and giving written and spoken oaths affirming that the following is true, correct, materially complete, and not misleading to the best of my knowledge and belief under my own commercial liability.

**Notice to Agent is Notice to Principal; Notice to Principal is Notice to Agent  
Pursuant to 18 USC §§ 3 & 4**

**I, reserve the right to amend this document if necessary, in order that the truth be more fully and certainly ascertained and justly determined.**

I, David A. Darby, Sovereign Common Law Free man of inherent jurisdiction, In Propria Persona, in his live born status as a natural individual presenting testimony herein, the undersigned Affiant / Distress Demandant, do hereby depose and say as follows:

Point Brief: DISTRESS ON JUDICIAL BOND, et al

1A. Parties: The Distress Demandant / Affiant is, i.e., This Distress process is being presented by David A. Darby, P.O. Box 772, Amboy, Washington zip exempt, non federal district

1B. Parties: The Distress Defendants are, i.e., (This List is Different from the list Served on (January 4<sup>th</sup> AD 2012). This Distress process is being brought against CLARK COUNTY and the STATE OF WASHINGTON for the collection of funds owed to the plaintiff and by proxy to the people of the State of Washington. I, David A. Darby, acting for myself and as proxy for the sovereign people of Clark County and the State of Washington, demand that the bonds of each of the above defendants are now to be forfeited (suspended). I do understand that all bonds are purchased to protect the sovereign people from accidental harm due to lawful actions of the public officials. In this case there is no accidental harm. The Criminal Complaint is the first step

in correcting this error as it gave every individual defendant an opportunity to come forward and right this wrong. The county and the state government have long perpetrated a crime on the sovereign people of Clark County and the State of Washington so egregious that families have been ruined and government has unlawfully taken land from the sovereign people. **How can this ever be remedied?** This is the start.

I, David A. Darby, on behalf of the sovereign people of the County of Clark, demand that the Bonding Insurance company, in this case Hartford Insurance Company that bonds CLARK COUNTY, cancel all performance bonds for the above criminal officials and advertize to all insurance companies that the convicted criminals listed above are not ever to be bonded again. The Hartford Insurance Company is in the business of bonding public officials against accidental harm to the public, not criminal activity. I assume that the Hartford Insurance Company will not stand behind any criminal activity and therefore cancel all of the bonds associated with the following criminals. If Hartford insurance cancels the bonds for criminal activity, then the individual criminal defendants will be responsible for the total amount of the lien. If Hartford Insurance does not cancel the bonds, then they become complicit to the crimes of the defendants and become responsible for the amount bonded for each criminal.

If the above mentioned bonds are cancelled per bonding practices, then the individual county criminals are being liened personally. If the criminal defendant's bond is not cancelled, then the Bonding Company will pay their part of the lien and the individual Clark County criminal can reduce their total liability by the bond amount. The rest will be payable by the criminal and the government agencies that they represent.

Once, all funds that can be collected from the individuals is collected, then the County of Clark is then responsible for the remainder. If Clark County does not have sufficient funds, then the Corporate STATE OF WASHINGTON is responsible.

The following is a list of Clark County Official Criminals and the amounts they are being liened:

Greg Kimsey d.b.a. CC Auditor, **\$570,000**  
 Steve Stuart d.b.a. CC Commissioner, **\$570,000**  
 Marc Boldt d.b.a. CC Commissioner, **\$570,000**  
 Tony Golik d.b.a. CC Prosecuting Attorney, **\$570,000**  
 Lori L. Volkman d.b.a. CC Deputy Prosecuting Attorney, **\$570,000**  
 E. Bronson Potter d.b.a. CC Chief Civil Deputy Prosecutor, **\$570,000**  
 Gary Lucas d.b.a. CC Sheriff, Doug Lasher d.b.a. CC Treasure, **\$570,000**  
 Bill Barron d.b.a. CC Administrator, **\$570,000**  
 Peter Van Nortwick d.b.a. Assessor, **\$570,000**  
 Donna Goddard d.b.a. CC Code Enforcement Coordinator **\$570,000**  
 Total amount owed by CLARK COUNTY Criminal officials: **\$5,700,000**

The following is a list of WASHINGTON STATE Official Criminals and the amounts they are being liened.

Christine Gregoire d.b.a. WA ST Governor, **\$570,000**  
 Brad Owen d.b.a. WA ST Lieutenant Governor, **\$570,000**  
 Rob McKenna d.b.a. WA ST Attorney General, **\$570,000**

Sam Reed d.b.a. WA ST Secretary State, \$570,000  
 Barbara Madsen d.b.a. WA ST Chief Justice, \$580,000  
 Charles Johnson d.b.a. WA ST Associate Chief Justice, \$580,000  
 Gerry Alexander d.b.a. WA ST Justice, \$580,000  
 Charles K. Wiggins d.b.a. WA ST Justice, \$580,000  
 Tom Chambers d.b.a. WA ST Justice, \$580,000  
 Susan Owens d.b.a. WA ST Justice, \$580,000  
 Mary Fairhurst d.b.a. WA ST Justice, \$580,000  
 James Johnson d.b.a. WA ST Justice, \$580,000  
 Debra Stephens d.b.a. WA ST Justice, \$580,000  
 Total amount owed by CLARK COUNTY Criminal officials: **\$7,500,000**  
**Grand Total of the lien against public officials of both CLARK COUNTY AND WASHINGTON STATE is: \$13,200,000**

The Distress Defendants have violated the lawful (1787 Constitution for the United States of America and the lawful 1878 Constitution of the State of Washington, etc) by the following acts or omissions:

The above named Defendants herein (Defendants in Federal District Court Case # MC12-5000BHS) are now convicted by affidavit of the following offenses:

- A.) Violation of the lawful 1787 Constitution for the United States, the ORIGINAL and SUPREME Law of the Land. See Federal District Court Case # MC12-5000BHS table of criminal acts against the sovereign people of the State of Washington.
- B.) Continuing the fraudulent use of the illegal and unlawful 1889 Constitution of the State of Washington, thereby stealing the sovereign rights of the sovereign people of Washington and stealing the clear titles of the sovereign people of the State of Washington. See the 1878 Constitution of the State of Washington Article 2, Section 3.
- C.) Denying the sovereign people of the State of Washington the protections of the lawful 1878 Constitution of the State of Washington.
- D.) Said Defendants herein, on or before July 9<sup>th</sup> AD 2008 to this present day are still ignoring the plaintiff's lawful sovereign status. Sovereign Status of all Washington citizens are guaranteed in the lawful 1787 Constitution for the United States, the 1783 Treaty of Paris with the King of England, and Article 2 Section 3 of the lawful 1878 Constitution of the State of Washington.
- E.) Said Defendants are still defending the unlawful policies of WASHINGTON STATE and CLARK COUNTY and continuing to tax titled land that does not belong to the County or the State and not recognizing the sovereign status of the people of the State of Washington.

The above named defendants did not choose to answer the above lawful affidavit of redress of grievances. Federal Judge Benjamin Settles took it upon himself, in attempting, to unlawfully change this lawful affidavit from a criminal case and arbitrarily make it a civil case. This is against all laws of the 1787 Constitution for the United States and the 1878 Constitution of the



State of Washington. A judge in any County, State, or Federal Court does not have that power. Only a jury can dismiss a criminal case. Federal Judge Benjamin Settles removed all opportunity for the above defendants to get their day in court and prove their innocence. By law, only a Federal Grand Jury can either dismiss this case or submit it for trial not the Federal Judge. Therefore, the second part of the Criminal Complaint is now in force. The Commercial Lien against all defendants is now able to be monetized.

I have held the Court in Honor with my Affidavit and by ignoring and dishonoring these lawful Affidavits the defendants have acted against the very laws they have sworn an oath to uphold.

- a) **Per 3 American Jurisprudence 2d "Affidavits" § 8**, "A complete affidavit must satisfy three essential elements: (1) a written oath embodying the facts as sworn to by the affiant; (2) the signature of the affiant; and (3) the attestation by an officer authorized to administer the oath that the affidavit was actually sworn by the affiant before the officer. While an affidavit typically includes a caption or title, the venue, the signature of affiant, the jurat, and the body of the instrument, no particular terminology is required to render the document an affidavit, as it is the substance and not form of affidavit that is important. Technical deficiencies do not render affidavits improper and will not be stricken. Accordingly, if it affirmatively appears from whole of document that affiant could competently testify to contents of affidavit at trial, then technical insufficiencies in affidavit should be disregarded."
- b) **Per 3 American Jurisprudence 2d "Affidavits" § 20** "If an affidavit is uncontradicted, the reviewing court must accept its contents as true. Accordingly, where an opposing party does not deny or controvert facts stated in a movant's affidavit, the facts may be deemed to be admitted for purposes of court's ruling in such matter." (emphasis mine)

The county governments of WASHINGTON STATE are following the laws of the CORPORATE STATE that do not recognize sovereign rights and clear title to the land through lawful contracts with the United States of America. Those contracts are called Land Patent clear title contracts(fee simple). The STATE AND COUNTIES of Washington State continue the procedures unlawfully placed by STATE AND COUNTY corporate governments to deprive David A. Darby and other sovereigns in the CLARK COUNTY and in all counties in the STATE OF WASHINGTON of their god given rights to own their own land. The Defendants, having knowledge of the law and the power to prevent the Constitutional deprivation of the Plaintiff's herein guaranteed Rights, with intent, without authority and under color of law **did unlawfully:** engaged in a conspiracy to over throw the Government of the United States of America by ignoring Constitutional Law, and specifically, to defraud and betray the plaintiff herein, of his lawful Constitutional exercise of his to have clear title to his land. Said acts are punishable and in violation of Title 18 Section 241, 242 and 3571.

(See Criminal Complaint Federal District Court Case # MC12-5000BHS).

**The following is a Notice to Clarify filing issues:**

I was forced to accept the Federal District Court Clerk's reason for filing the Criminal Case as a miscellaneous Case #, this gave the District Court Judge's his phony reason to rule this Criminal Case a civil case even though the front of the filing clearly states that it is criminal. See Affidavit of Rebuttal filed in Federal District Court on 4-11-12.

The judge in this case attempted to unlawfully converted the Criminal (Title 18) into Civil (Title 28).

This is Fraud. (18 USC § 3) Judge Benjamin Settles will be issued a Criminal Complaint under this Code.

**The Matter is Criminal!** (18 USC § 4)

**The Issue is Criminal!** (18 USC § 4)

The Criminal Complaint was brought forth pursuant to Title 18 USC § 4.

A matter brought forth pursuant to 18 USC § 4 cannot be considered to be Civil (Title 28) or Frivolous.

**Frivolous:** Of little weight or importance. Frivolous pleadings may be amended to proper form, or ordered stricken, under federal and state Rules of Civil Procedure. (Blacks Law 6<sup>th</sup> Ed.) Notice it states by Civil Procedure; this does not apply to my "Criminal Complaint."

I could not compel the Federal Magistrate Judge, District Court Judge, and United States Attorney to take action on this matter because we do not have as much Power in the Court House as they do.

A Criminal matter, by law must be submitted to the Grand Jury. Only a Grand Jury can dismiss a Criminal Case per the lawful 1787 Constitution for the United States, the supreme law of the Land. The Judge has no authority to change the status of a case from Criminal to Civil. This was a smoke screen to provide cover in dismissing the case.

However, the Law requires us to give the Federal Court the 1<sup>st</sup> opportunity to act to prosecute this case. (18 USC § 4). Upon dishonor and default by those responsible in the Federal Court, the second step becomes a Commercial matter out of the Federal Court's Jurisdiction. By Judge Settle's unlawful Rulings, he has returned the matter to my hands to be dealt with by the Remedies (UCC 1-201 (32), which he leaves us, because of his dishonor and dismissal of our "Affidavit of Criminal Complaint". (18 USC § 3)

**RESERVATION OF RIGHTS**

The fundamental purpose of the Bill of Rights was to guarantee the Power of an Affidavit and protect property rights of the sovereign people. The courts of this country are treating this



procedure with contempt. All courts from the County to the Federal are treating a basic constitutional right to get justice into what they call "Paper Terrorism" or "Frivolous", but never saying that the right to affidavit is against the law. We the people will continue to demand constitutional article III courts, "The courts of Common Law," Sovereign courts of the sovereign people.

Article III courts are the only courts that the Sovereign People of this county and country can get justice. These courts are guaranteed by the lawful 1787 Constitution for the United States and the lawful 1878 Constitution of the State of Washington.

"One's right to life, liberty, and property, to free speech, free press, freedom of worship & assembly, and other fundamental rights may not be submitted to a vote; they do not depend on the outcome of elections."

### **SUMMARY OF WHY THIS ACTION WAS NECESSARY**

By the unlawful actions of the above defendants, they are, and have acted in sedition and insurrection against the lawful 1787 Constitution for the United States, the lawful 1791 Constitution for the United States that added protections for the sovereign people, the Bill of Rights, and the lawful 1878 Constitution of the State of Washington. All of the above mentioned Defendants have committed treason against me and the sovereign people of the State of Washington, by ignoring the Supreme Law of the Land. The defendants are engaging in all manner of fraud in their dealings with me and the sovereign people of the State of Washington. By doing thus, the defendants are engaging in all manner of criminal actions for which the defendants, in their official and private capacities, are lawfully liable.

**I AM NOT UNDER THE JURISDICTION OF THE COUNTY, STATE AND FEDERAL CORPORATIONS.** Anytime public officers, pursuant to their oaths, violate Rights guaranteed to Sovereign Citizens in the above mentioned Constitutions, they act outside their limited delegated authority, thus, perjuring their oaths, and by their own actions, invoke the self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment; thereby vacating their offices and forfeit all benefits thereof, including salaries and pensions. You are required to have an oath of office on file for public scrutiny, specifically referenced in USC Title 5 Chapter 33 Subsection 3331. I have personally accepted your oaths of office and you are required to have bonds to guarantee your faithful performance of your lawful duties, pursuant to your oath, as the law requires.

By your stepping outside of your delegated authority you lost any "perceived immunity" of your office and bond and you have been served in a criminal action for your wrongdoing against me and the sovereign people of Washington State, personally, privately, individually and in your professional capacity, as have been all those in your unlawful jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction. If, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties thereto, and if they fail to act and correct the matter, then, they condone, aid and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the 1787 & 1791 Constitution for the United States and the lawful 1878 Constitution of the State of Washington, as a custom, practice and usual business operation of their office and the jurisdiction for which they work (18 USC § 3). This constitutes treason by

the entire unlawful jurisdiction against me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself against the treason committed. Be assured, that I am claiming the protection of my constitutionally guaranteed Rights which you, and this entire unlawful jurisdiction have unlawfully, and without Constitutional authority, denied.

If you (above defendants) had disagreed with anything in Affidavit of the Criminal Complaint, then by law of the affidavit and commercial law, you would have rebutted that with which you had disagreed, in writing, by notarized Affidavit, certified mail as proof, with particularity to me, within 90 days of serving of the Criminal Complaint on the Federal District Court on 1/4/12, and supported your disagreement with evidence, facts and law. Your failure to respond, as stipulated, is your agreement with, and admission to, the fact that everything in the Affidavit of Criminal Complaint is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection or that of those who represent you.

### **For the Record: Contract Acceptance in the Private**

I, David A. Darby, Sovereign freeman In Propria Persona, now for and in the public record Formally **"Accept"** and **"Consummate"** Judge **B. H. Settles**, and/or all other Officers' of the Court and Government Officials required Oaths of Office, and obedience to State and Federal Constitutions as by-laws, and possession of Performance and/or Fidelity Bonds, and Acceptance of compensation for services, placing you in the **"Private"** (Blacks Law 6<sup>th</sup> ed.), under this Consensual Relationship and Construction and Contract as you being my public servants **"Fully Personally Liable Now"** to protect my certain un-a-lien-able Rights endowed by my **Creator and secured by the Constitution**. As of yet, some of the name(s) of your Bonding Company's and Bonding number have not been made available to me; therefore, all defendants are acting out of **"Uniform."** (Title 18 §§ 3, 4, 241, 242, 2383, 3571 and 42 USC § 1983)

It should be well Noted that it was not this Sovereign Citizen that had offered up an Oath of accepted duties and obligations, and it should be well Noted that this Sovereign Citizen did, indeed, accept said Oath by the public officials of the federal and state government positions, and the court to consummate a full and binding contract in the **"Private"** between Plaintiff and Actors. This plaintiff did give an oath to this county and Constitution **"To defend and protect."** This is what the whole Criminal Complaint process is all about. (U.S. Constitution Article 6.)

I, David A. Darby, reserve the right to amend this document if necessary, in order that the truth be more fully and certainly ascertained and justly determined.

See the Ledger – Explicit point for point ledgering: See Criminal Complaint Federal District Court Case # MC12-5000BHS with Constitutional Ledgering, ledgered pursuant to 18 USC 241, 242, 3571 values. (Page 50)

### **DISTRESS VS. CRIME AND AGGRAVATION OF CRIME**

This Distress is applied for the expressed purpose of terminating the criminal behavior of the cited Distress Defendants and Accessory Accomplices in this case, because they have been or are

engaged in denying Distress Demandant, David A. Darby, his legal and lawful remedies. This Distress is applied to prevent any future imposition of a violation of the "Peace and Dignity of the State" upon the Distress Demandant and other American Sovereigns, by the cited Distress Defendant and Accessory Accomplices. (42 USC Section 1986 – The Brothers Keeper / Good Samaritan Statute).

### **CLEAN HANDS / GOOD FAITH DISTRESS**

This distress is Not applied for light or transient reasons, it is Not engaged in for purposes of harassment, and it is not engaged in for purposes of impeding or slowing down the court or government processes. This distress is used specifically to change criminal behavior of elected and non elected official and persuade the same government officials to follow constitutional law and protect the people that elected them in the first place.

Surety – Property – The Surety Property of this Distress is any and all property which may be distressed / arrested / impounded / use-suspended in third party custody to guarantee specific performance, namely, to guarantee arrest of criminal behavior on the part of the Distress Plaintiff.

### **Bonding (established pursuant to 42 USC 1986 and 18 USC 4, 241, 242, and 3571.**

A Distress to limit criminal behavior, especially in hot pursuit, does not have to be cash bonded.

This Criminal Complaint is lawful bond for the Bonding of a Distress on an Official Malpractice Bond or a Distress on a Commercial Malpractice Bond.

This Distress is both criminally and commercially bonded by the attached Criminal Complaint filed in the 9<sup>th</sup> District Federal Court on 1/4/12 with a District Court Judge acting as Magistrate Judge in Tacoma, Washington, and the Commercial Lien was also filed on the same day of 1/4/12 in the amount of **\$580,000** per judge and **\$570,000** per non judge per case # MC12-5000BHS, page 50. In a total amount of \$13,200,000 and represents the value claimed against the Distress Defendants and their employers the County of Clark and the STATE OF WASHINGTON as of June 1, 2012 AD.

**Affidavit** – The attached Exhibit 1, Criminal Complaint is the Affidavit in support of this Distress. Violation of this process constitutes accessory to a crime. Trespass, Rescue and Poundbreach are felonies. Any attempt to abridge or defeat or impair this process and release the Distress of the said Official Malpractice Bond(s) or Commercial Malpractice

Bond(s) will constitute a felony known as Poundbreach or Rescue. If the said custodians of the said Official Malpractice Bond(s) or Commercial Malpractice Bond(s) do not take the required action, said custodians, and their personnel individually assume liability for all damages which result both commercially and criminally, which could have been prevented by reasonable diligence and lawful behavior pursuant to 42 USC 1986 and USC 4,241, 242, and 3571.

**CONDITIONS FOR RELEASING DISTRESS** – When the distress Defendants comply with the conditions set forth in the Criminal Complaint, the distress will be lifted. Until that happens,



I, David A. Darby and/or assigns will continue the Commercial Collections process with Distress Infinite.

**Evidence, Exhibits, Memoranda (points of law)**

Exhibit 1: Criminal Complaint filed in 9<sup>th</sup> District Court on 1/4/12 as Case Number MC12-5000BHS.

Exhibit 2: Affidavit of Rebuttal and Demand of Access to a Public Grand Jury  
And the Order of Dismissal by Judge Settles.

Exhibit 3: Affidavit of Default and Demand for Payment

**Memoranda (points of law)** The following RCW's are presented for the express purpose of showing that the Maxims of Law being followed by the 1791 Constitution for the United States, and the 1878 Constitution of the State of Washington are being followed, notice that the date of the actions all follow the lawful 1878 Constitution of the State of Washington's ratification, but before the unlawful passing of the Unlawful 1889 Constitution of the State of Washington:

**Who may bring action on bond?** 1890 p 34 § 3; RRS § 9932] RCW 42.08.080

Every official bond executed by any officer pursuant to law, shall be in force and obligatory upon the principal and sureties therein, to and for the state of Washington, and to and for the use and benefit of all persons who may be injured or aggrieved by the wrongful act or default of such officer, in his official capacity, and any person so injured or aggrieved may bring suit on such bond in his or her own name without an assignment thereof.

**Who may maintain action.** Code 1881 § 653; 1877 p 135 § 656; 1869 p 152 § 593; RRS § 959. RCW 42.08.020

When a public officer by official misconduct or neglect of duty, shall forfeit his official bond or render his sureties therein liable upon such bond, any person injured by such misconduct or neglect, or who is by law entitled to the benefit of the security, may maintain an action at law thereon in his own name against the officer and his sureties to recover the amount to which he may by reason thereof be entitled.

**Remedy when bond of state officer becomes insufficient.** 1890 p 36 § 8; RRS § 9937 RCW 42.08.130

Whenever the official bond of any state officer shall become insufficient from any cause whatever, the like proceedings may be had before the superior court of the county in which said state officer holds his office with reference thereto: PROVIDED, That such proceedings may be commenced by a written motion supported by affidavit.

**Misconduct of public officers.** (Section too large to list here.)

**18 USC § 2381 - Treason**

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

**18 USC § 2382 - Misprision of treason**

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

#### **18 USC § 2383 - Rebellion or insurrection**

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

### **AFFIDAVIT OF DEMAND**

I, David A. Darby **Demand** that this Bonded Distress immediately impounds the Official Malpractice Bond(s) and Commercial Custody of all the above listed government officials, said impoundment/arrest/third party custody to be guaranteed by the bonding Company(s), the Underwriting Insurance Company(s), the State and County Departments of Risk Management, the County Court Administrator, and the County Sheriff.

I, David A. Darby, Sovereign Affiant, acting In Propria Persona, **Demand** that the above recipients of this Distress Affidavit distress the judicial and commercial bonds and forfeit all funds that are attached to the commercial lien on page 50 of the Criminal Complaint Case # MC12-5000BHS with in the 21 Days allocated. All correspondence will be in affidavit form, using the same format as this affidavit and certification page.

I, David A. Darby, respectfully **Demand** that, the COUNTY Corporation and STATE CORPORATION that the individual defendants represents, that same corporation is directed by law to cancel the bonds, employment, and pensions of felon elected officials and employees according to the law. That same COUNTY and STATE Corporation is directed to either pay the liens for the individual felons or direct the felons to pay themselves. The Federal District Court failed to protect all of the above defendants, by presenting the criminal complaint to a grand jury. Therefore, since the defendants did not follow the procedure of a lawful affidavit in law, they have admitted guilt, by not answering the lawful affidavit of Criminal Complaint. In this way all the above defendants have been found guilty of criminal activity that is contrary to their oaths of office to the Constitution of the United States and the lawful 1878 Constitution of the State of Washington.



## CERTIFICATION

Criminal Certification: I, David A. Darby, the Sovereign Affiant / Distress Demandant certify and affirm that I have grounds to, and do believe, that the above accused Distress Defendants committed the above offenses contrary to the Supreme Law of the Land and the 1878 Constitution of the State of Washington.

### General Final Certification:

I, David Arthur Darby, Sovereign Affiant, acting In Propria Persona certify and affirm on my own commercial liability, that I have read the foregoing and know the content thereof and that, to the best of my knowledge that the above Affidavit is True, Correct, Complete and not Misleading, to the best of my Knowledge. The truth, the whole truth, and nothing but the truth, So Help Me God.

Signed: \_\_\_\_\_

*David A. Darby*

Date: \_\_\_\_\_

*6/1/12*

[STATE] Washington ) s.s.:

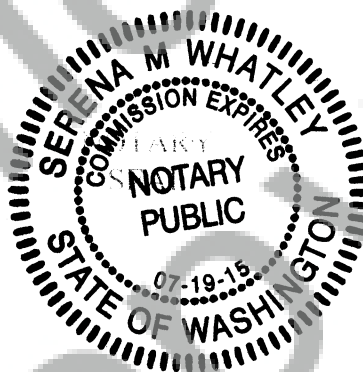
[COUNTY] Clark )

On this 1st day of June, AD 2012.

The above signatory appears before me personally with picture ID and executes the forgoing instrument and acknowledges this to be their free act and deed.

*Sally*  
\_\_\_\_\_  
Notary Public

My Commission Expires: 07/19/2015



**ORIGINAL Exhibit 2** 1:54pm  
1-11-2012 Nabine Pitchlym  
Received 2:00pm Assessor's office  
Kathy Jee - Clark County Treas office  
1/11/12 received MC 12-5000BHS

THE LAW HAS ALWAYS BEEN ON YOUR SIDE - USE IT TO BUILD A BETTER, STRONGER AMERICA.

RECEIVED

JAN 11 2012

Auditor's Office

**UNITED STATES CONSTITUTIONAL CITATION**  
**CRIMINAL COMPLAINT**  
**AFFIDAVIT AND BRIEF OF INFORMATION**

THE UNITED STATES District Court

(DISTRICT COURT, SUPREME COURT, HOUSE OF REPRESENTATIVES, SENATE JUDICIARY COMMITTEE, PRESIDENT, ETC.)

FOR THE DISTRICT OF Washington State

IN THE COUNTY OF Clark and all other counties of the State of  
Washington

RECEIVED  
CLARK COUNTY

JAN 11 2012

**PART 1A - PRINCIPALS/PARTIES:**

**UNITED STATES OF AMERICA**

By / ex rel (Plaintiffs / Accusers = P/A)

P/A-1: David A. Darby, a Sovereign Born free man, acting in my own proper  
Sovereign status, and

P/A-2: David A. Darby acting as a public proxy for the Sovereign Born free  
men and women of the State of Washington not named in this brief and as  
defined in the lawful 1878 CONSTITUTION of the State of Washington, Article  
2, Section 3.

Plaintiffs / Accusers

VS.

(Defendants / Accused = D/A) (CC = Clark County)

D/A-1: Greg Kimsey d.b.a. CC Auditor, ✓

D/A-2: Tony Golik d.b.a. CC Prosecuting Attorney, ✓

D/A-3: Curtis G. Wyrick d.b.a. CC Assistant. Prosecuting Attorney, ✓

D/A-4: Lori L. Volkman d.b.a. CC Deputy Prosecuting Attorney, ✓

D/A-5: E. Bronson Potter d.b.a. CC Chief Civil Deputy Prosecutor, ✓

D/A-6: Steve Stuart d.b.a. CC Commissioner, ✓

Case Number

MC12-5000BHS

Date of Filing

1/4/12

Citation, Complaint,  
Affidavit and Brief of  
Information

Points of Law:

18 USC 4

42 USC 1986

U.S. Const.

5th Amend.

Just Comp.

18 USC 241,242

RECEIVED

JAN 11 2012

Tony Golik

Lori L. Volkman  
Bronson Potter

Board of Commissioners  
JAN 11 2012  
Muc Boldt  
Steve Stuart  
Tom Mucke  
Bill Barton

Donna Galt  
Paul Gaspel  
LKS  
For Monica

# CRIMINAL COMPLAINT [Cont.]

D/A-7: Marc Boldt d.b.a. CC Commissioner,  
D/A-8: Tom Mielke d.b.a. CC Commissioner,  
D/A-9: Gary Lucas d.b.a. CC Sheriff,  
D/A-10: Doug Lasher d.b.a. CC Treasure,  
D/A-11: Bill Barron d.b.a. CC Administrator,  
D/A-12: Peter Van Nortwick d.b.a. Assessor,  
D/A-13: Linda Moorhead d.b.a. CC Code Enforcement,  
D/A-14: Donna Goddard d.b.a. CC Code Enforcement Coordinator,

## **(WA ST = Washington State)**

D/A-15: Christine Gregoire d.b.a. WA ST Governor,  
D/A-16: Brad Owen d.b.a. WA ST Lieutenant Governor,  
D/A-17: Rob McKenna d.b.a. WA ST Attorney General,  
D/A-18: Sam Reed d.b.a. WA ST Secretary State,  
D/A-19: Barbara Madsen d.b.a. WA ST Chief Justice,  
D/A-20: Charles Johnson d.b.a. WA ST Associate Chief Justice,  
D/A-21: Gerry Alexander d.b.a. WA ST Justice,  
D/A-22: Charles K. Wiggins d.b.a. WA ST Justice,  
D/A-23: Tom Chambers d.b.a. WA ST Justice,  
D/A-24: Susan Owens d.b.a. WA ST Justice,  
D/A-25: Mary Fairhurst d.b.a. WA ST Justice,  
D/A-26: James Johnson d.b.a. WA ST Justice,  
D/A-27: Debra Stephens d.b.a. WA ST Justice,  
D/A-28: Ronald Culpepper d.b.a. PIERCE COUNTY District Court Judge.  
D/A-29 And any other Presently unknown defendant persons in any Counties of Washington State, including principals, and the persons assisting their actions who are called accessories, who collectively are being accused of violating some fundamental legal principle or principles upon which the order, peace, and dignity of the civil organization of the sovereign people depends.

All actions required by accusers/plaintiffs of the accused/defendants to avoid the consequences of this Criminal Complaint must present, in affidavit form, all objections by the defendants and must be presented within three months (90 days) from the issuance of this Criminal Complaint. Any actions and/or inactions by the defendants, both named and unnamed, contrary to the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington will immediately bring the full force of this Criminal Complaint upon them. The above named defendants have broken Constitutional law, this citation concerns the felonies committed against the 1787 Constitution for the United States of America and ignores all law in Admiralty (Private Law).

## CRIMINAL COMPLAINT [Cont.]

### **DEFINITIONS OF CONSTITUTIONAL COMMERCIAL SOVEREIGNTY and other Terms Used Herein:**

**1. Constitutional Commercial Sovereignty of the free man:**

- a. In American Law, Sovereignty is defined as the right and responsibility of a Citizen to demand and enforce **Just Compensation** from the government, for the public use of private property. (U.S. Constitution 5<sup>th</sup> Amendment).
- b. The Citizen is said to be "Sovereign" when:
  - (1) He/she can lawfully Command the honorable bargain of **Just Compensation** from the government (18 USC 241 & 242), and
  - (2) He/she is actively involved in lawful conscientious objection to the unlawful use of government power. (USC Title 18, Section 4)
- c. Each Citizen has the natural rights to possess life, liberty, and property. (US Constitution 1<sup>st</sup> through 4<sup>th</sup> and 9<sup>th</sup> Amendments)
- d. A government cannot take both liberty and property from a Citizen without imposing civil death upon the Citizen. (**Selective Service** as a **Bill of Attainder** or **Bill of Pains and Penalties**). (U.S. Constitution – Article 1, Section 9, clause 3, and Article 1, Section 10, clause 1)
- e. When a government establishes a military **Selective Service** to conscript its Citizens, it exercises the powers of Distress and Lien upon the Citizens' lives and liberty. But, then the government loses the lawful power to commercially encumber the private property of the Citizens. (42 USC 1994 and 18 USC 1581)
- f. Treaty & Constitutional Sovereignty is defined according to BLACK'S law 4th edition, page 1568 as: A person, body, or state in which independent and supreme authority is vested;... And further defined herein as: All persons lawfully domiciled within the boundaries of the 50 sovereign States of the United States of America, according to the lawful 1787 Constitution for the United States of America, the lawful 1878 CONSTITUTION of the State of Washington, the lawful 1783 Treaty of Paris, and the BLACK'S law 4th edition page 1568 definition of the noun (State).
- g. State Sovereignty is defined as all sovereign people domiciled and residing within the boundaries of the State of Washington per the 1878 CONSTITUTION of the State of Washington, Article 2, Section 3. Therefore, the State of Washington cannot be sovereign unless the people are Sovereign.

**Note: Information on this page is repeated in the Jurisdiction Section [3B-1]. This will explain David A. Darby's Sovereignty and it applications for this brief.**

2. **Publicly Inform** is herein defined as: Informing each sovereign and/or taxpayer in Clark County **of the defendant's actions** in the case of County officials that are named Defendants, or informing each sovereign and/or taxpayer in the State of Washington of the defendants actions in the case of State officials that are named Defendants, and informing each sovereign and/or taxpayer in Clark County, and the State of Washington of his or her right to bring forth the Land Patent that is assigned to their piece of property, and to provide, helpful instruction and help as, to this process. This must be a process to insure compliance with in the intention of this Criminal Complaint. There will be established by popular vote of sovereign electors a department of civilian oversight to



## CRIMINAL COMPLAINT [Cont.]

guarantee this process.

3. **Inform / Informing** is defined as: Using all known forms of media with the express purpose of getting this information into the possession of the sovereigns and/or public taxpayers at large as defined in the 1878 CONSTITUTION of the State of Washington in Article II Section III, including but not limited to, Mailings, Newspaper, and TV. This must be an independently audited process to insure compliance with the intention of this Criminal Complaint. The manager of this process will be chosen by popular vote of sovereigns/electors and the foregoing will be paid for by the defendant and/or the budget of the office of the Defendant.

**This preface part of the Complaint applies to each and every named defendant, that is, it Applies to all defendants/accused mentioned in this complaint:**

**Any actions and/or inactions by the defendants, both named and unnamed, contrary to the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington immediately brings the full force of this Criminal Complaint upon them, unless they object by affidavit and are able to prove the evidence against them is false.**

### Preface

All COUNTY officials elected and not elected, must **publicly** demand that the Clark County Sheriff and Clark County Board of County Commissioners **publicly** support the lawful 1787 Constitution **for** the United States of America and the lawful 1878 CONSTITUTION of the State of Washington. The preceding Constitutions are the supreme laws of this nation and state, not the CORPORATE Constitution **of** the United States and the unlawful CORPORATE 1889 CONSTITUTION of the STATE of WASHINGTON.

All COUNTY and STATE officials, elected and not elected, must obey the 1787 Constitution **for** the United States of America and the lawful 1878 CONSTITUTION of the State of Washington. It is common knowledge in the professional world of law that only session law is true law and codes are paraphrased versions of session law created by passing the session law through a code room staffed by officers who modify and codify session law. Code law in order to pass as session law and be lawful must contain one of the following phrases "as enacted in session" or "Be it enacted."

The general concept and commercial principle relative to corporations and the state's corporation commission is that corporations licensed by the state and engaged in any activity which is potentially hazardous to the public health safety and welfare must be bonded for that activity or else the state as an alter ego silent partner though licensing is liable for that activity. All laws passed under unconstitutional rules are null and void and must be removed from the law books.

Elected officials must **publicly** demand, and take the appropriate steps to make sure that all unconstitutional laws, which are repugnant to the 1878 CONSTITUTION of the State of Washington, be removed. Elected Officials must provide accurate instruction and education of the lawful laws of the Constitutions for the United States and the State of Washington, to all officials and officers, elected or not elected, and their subordinates, and to the public at large.

All County employees and elected officials have been misguided by legal counsel, where



## CRIMINAL COMPLAINT [Cont.]

legal counsel has instructed employees of the County and State to disregard the lawful 1878 CONSTITUTION of the State of Washington.

All COUNTY and STATE officials, elected and not elected, must adhere to the lawful principle of Sovereign allodial title to the land and the sovereignty of the people.

All COUNTY and STATE officials, elected and not elected, must **publicly** announce that the sovereign's right to allodial title has been unlawfully hidden and they are restoring these rights for ALL sovereigns of the State of Washington.

All COUNTY and STATE officials, elected and not elected, can deflect the consequences of this document by adhering to the law of his/her oath, to defend and protect the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington, the supreme laws of the nation and state. It is understood that each and every public official made their oath to the Corporate Constitution of the UNITED STATES, but the sovereign **People** believe that the oath, which was given was to the Constitution for the United States of America.

All COUNTY and STATE officials, elected and not elected, must demand **publicly** that the Board of County Commissioners remove the incorporation of Clark County from under the unlawful CORPORATION OF THE STATE OF WASHINGTON, and places it under the 1878 CONSTITUTION of the State of Washington. Clark County must return to a Constitutional government.

All COUNTY and STATE officials, elected and not elected, their office and the sum total of their capacity, must take all actions to restore to the sovereign people of Clark County and the State of Washington, all sovereign Allodial Land Rights, and demand the restoration of our Republican form of government as guaranteed in the lawful 1787 Constitution for the United States of America and lawful 1878 CONSTITUTION of the State of Washington. This means the immediate cancelation of the Corporation of the STATE OF WASHINGTON and take back our sovereignty as a state. We cannot have a Republican form of government if we the sovereigns of the State of Washington are forced to have an unlawful corporation running our state.

All COUNTY and STATE officials, elected and not elected, must **publicly** announce that they have found that the STATE OF WASHINGTON is not following the lawful 1878 Constitution of the State of Washington and that the 1878 CONSTITUTION of the State of Washington will become the only state Constitution of the State of Washington.

All COUNTY and STATE officials, elected and not elected, must **publicly** announce that the WASHINGTON STATE CORPORATION is to be terminated and that the Republican form of government guaranteed under the 1878 CONSTITUTION of the State of Washington, be given to the sovereign people of the State of Washington.

All COUNTY and STATE officials, elected and not elected, must **publicly** confront those in power to correct this fraud upon themselves as sovereigns and the sovereigns of the State of Washington. All public officers must obey the 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington.

After statehood on February 22, 1889 AD, there has never been a lawful election of officers according to the lawful 1878 CONSTITUTION of the State of Washington. Therefore all State and County officials must **publicly** demand that the election of lawful officials be brought forth for the sovereign electors of the State of Washington in order to populate the lawful offices according to the lawful 1878 CONSTITUTION of the State of Washington. See section 22 in the Exhibits Section.

## CRIMINAL COMPLAINT [Cont.]

### Specific Applications to Defendants:

D/A-1: **Greg Kimsey** d.b.a. CC Auditor:

**As Mr. Kimsey would say to any sovereign, 'ignorance of the law is not an excuse.'**

Mr. Kimsey, in the position of County Auditor cannot claim ignorance of the law.

Mr. Kimsey is subject to the forgoing preface of this complaint.

He was elected by the sovereign people of Clark County to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

Mr. Kimsey in his position of County Auditor, of **THE CORPORATE CLARK COUNTY**, must have access to all the County records in order to do his job, which places him in the position of being unable to claim ignorance of what is in those records. He must know that most property in this country is covered by a lawful United States of America Land Patent. Allodial Lands that are owned by sovereigns and have a lawful United States of America issued land patent attached to the lands in question are not lienable or taxable. He has chosen to continue the fraud against sovereigns, having full knowledge that there is a lawful 1878 CONSTITUTION of the State of Washington.

Mr. Kimsey must **publicly** start recognizing land patents that have been updated and brought forward according to land patent law, and further he must remove the sovereign's patented land from the tax rolls as per the lawful 1878 CONSTITUTION of the State of Washington, the supreme law of the State of Washington. He must adhere to the lawful principle of Sovereign allodial title to the land and the sovereignty of the people.

D/A-2: **Tony Golik** d.b.a. CC Prosecuting Attorney:

Mr. Golik is subject to the forgoing preface of this complaint.

Mr Golik is the newly elected Prosecuting Attorney of the **CORPORATION OF CLARK COUNTY**. **As he would say to any defendant, 'ignorance of the law is not an excuse.'** He of all people understands what is legal and what is lawful. His office has been served with paper work in the form of a federal Civil Complaint (Case: 2:10cv00053), outlining what this criminal complaint states.

He was elected by the sovereign people of Clark County to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

Mr. Golik must demand that the 1878 CONSTITUTION of the State of Washington be followed by all elected and not elected officials in Clark County and that no codes be followed, except those that are not repugnant to the 1878 CONSTITUTION of the State of Washington and passed lawfully per session law. Mr. Golik does not follow a WASHINGTON STATE SUPREME COURT ruling that says codes are not law. (Parosa v. Tacoma 1960) Therefore, the RCW's are not law.

D/A-3: **Curtis G. Wyrick** d.b.a. CC Assistant Prosecuting Attorney:

Mr. Wyrick is subject to the forgoing preface of this complaint.

Mr. Wyrick was the lead county attorney for the **CORPORATION OF CLARK COUNTY**, in the defense of Greg Kimsey, defendant to the Federal Civil Complaint (Case: 2:10cv00053). **As he would say to any defendant, 'ignorance of the law is not an excuse.'** In his case, he knows

## CRIMINAL COMPLAINT [Cont.]

the truth, and decided to defend the fraud instead of working to stop the ongoing fraud against the sovereign people of Clark County, of which he is one. He of all people understands what is legal and what is lawful.

He serves at the pleasure of the Board of County Commissioners that are elected by the sovereign people of Washington State to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

Mr. Wyrick must demand that the 1878 CONSTITUTION of the State of Washington be followed by all elected and non-elected officials in Clark County and that no codes be followed, except those that are not repugnant to the 1878 CONSTITUTION of the State of Washington and passed lawfully.

D/A-4: **Lori L. Volkman** d.b.a. CC Deputy Prosecuting Attorney for the **CORPORATION OF CLARK COUNTY**:

Ms. Volkman is subject to the forgoing preface of this complaint.

As she would say to any defendant, 'Ignorance of the law is not an excuse.' In her case, she knows the truth, and decided to defend the fraud instead of working to stop the ongoing fraud against the sovereign people of the State of Washington.

She serves at the pleasure of the Board of County Commissioners that are elected by the sovereign people of Washington State to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

D/A-5: **E. Bronson Potter** d.b.a. CC Chief Civil Deputy Prosecutor for the **CORPORATION OF CLARK COUNTY**:

Mr. Potter is subject to the forgoing preface of this complaint.

Mr. Potter is the lead Clark County Chief Civil Deputy Prosecutor in the defense of Greg Kimsey, defendant to the Federal Civil Complaint (Case: 2:10cv00053). As he would say to any defendant, "ignorance of the law is not an excuse." In his case, he knows the truth, and decided to defend the fraud instead of working to stop the ongoing fraud against the sovereign people of the State of Washington. He of all people understands what is legal and what is lawful.

He serves at the pleasure of the Board of County Commissioners that are elected by the sovereign people of Washington State to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

D/A-6: **Steve Stuart** d.b.a. CC Commissioner:

Mr. Stuart is subject to the forgoing preface of this complaint.

Mr. Stuart is one of the three commissioners that make up the Clark County Board of Commissioners of the **CORPORATION OF CLARK COUNTY**. He was elected by the sovereign people of Clark County to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES. As his counsel would say, "Ignorance of

## CRIMINAL COMPLAINT [Cont.]

the law is no excuse."

Mr. Stuart was elected to manage the public trust of Clark County. He is expected to know what is legal and what is lawful with respect to the sovereign people of the State of Washington. He should know the truth of the lawful 1878 CONSTITUTION of the State of Washington and, if he knows the truth, he has chosen to ignore the truth.

D/A-7: **Marc Boldt** d.b.a. CC Commissioner:

Mr. Boldt is subject to the forgoing preface of this complaint.

Mr. Boldt is one of the three commissioners that make up the Clark County Board of Commissioners of the **CORPORATION OF CLARK COUNTY**. He was elected by the sovereign people of Clark County to uphold his oath to the lawful 1787 Constitution **for** the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

As his counsel would say, "Ignorance of the law is no excuse."

Mr. Boldt was elected to manage the public trust of Clark County. He is expected to know what is legal and what is lawful with respect to the sovereign people of the State of Washington. He should know the truth of the lawful 1878 CONSTITUTION of the State of Washington and, if he knows the truth, he has chosen to ignore the truth.

D/A-8: **Tom Mielke** d.b.a. CC Commissioner:

Mr. Mielke is subject to the forgoing preface of this complaint.

Mr. Mielke is one of the three commissioners that make up the Clark County Board of Commissioners of the **CORPORATION OF CLARK COUNTY**. He was elected by the sovereign people of Clark County to uphold his oath to the lawful 1787 Constitution **for** the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

As his counsel would say, "Ignorance of the law is no excuse."

D/A-9: **Gary Lucas** d.b.a. CC Sheriff:

Mr. Lucas is subject to the forgoing preface of this complaint.

Mr. Lucas is the duly elected Sheriff of **THE CORPORATION OF CLARK COUNTY**. As such he is depended upon by his sovereign constituents to know the lawful laws of the State of Washington. As he would say, "Ignorance of the law is no excuse."

Sheriff Lucas has signed contracts accepting FEDERAL dollars to help run the Clark County's Sheriffs department. Sheriff Lucas cannot have two masters. He is either loyal to the sovereign free men that elected him, or he is loyal to the FEDERAL CORPORATION. Unfortunately, Mr. Lucas is not telling the truth of the ongoing fraud that county and state officials are continuing to perpetrate against the people of the state. Mr. Lucas must reject any more funding from the FEDERAL CORPORATION.

The office of Sheriff, that Mr. Lucas holds, has a responsibility and power that no elected official in the county can match. He must **publicly** swear an oath to the sovereigns. He must be the leader that his oath and office demands within the county, and therefore lead all elected officials in stopping the continuing fraud, and bringing the lawful republican form of government back to the sovereign free men and women of Clark County and the State of Washington.



## CRIMINAL COMPLAINT [Cont.]

Sheriff Lucas must step forward and lead sovereign Clark County back to the lawful Republican form of government.

He was elected by the sovereign people of Clark County to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

He has the lawful authority to accomplish all of this by the power of his oath to the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES and the 1889 CONSTITUTION OF THE STATE OF WASHINGTON. The lawful 1787 Constitution for the United States of America being the supreme law of the Nation and the lawful 1878 CONSTITUTION of the State of Washington being the supreme law of the State of Washington are all the power that he needs to make a change in our county.

D/A-10: **Doug Lasher** d.b.a. CC Treasurer for the **CORPORATION OF CLARK COUNTY**:

Mr. Lasher is subject to the forgoing preface of this complaint.

Mr. Lasher is the elected Treasurer of THE CORPORATION OF CLARK COUNTY and as such fully knows that Ignorance of the law is no excuse.

He was elected by the sovereign people of Clark County to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES and the 1889 CONSTITUTION OF THE STATE OF WASHINGTON Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

Mr. Lasher is responsible for collecting property tax that has been unlawfully attached to each piece of sovereign allodial property. He is just as guilty as any other elected official in Clark County of perpetuating the fraud against the sovereign people of Washington.

Mr. Lasher has access to all the county records and the ability to find which pieces of property are owned by sovereigns. He chooses to disregard this fact and thereby forces sovereigns to pay taxes that are not lawfully collectable.

Mr. Lasher in his elected position of County Treasurer must publicly announce he is reversing the practice of collecting taxes that have been fraudulently attached to sovereign land.

D/A-11: **Bill Barron** d.b.a. CC Administrator for the **CORPORATION OF CLARK COUNTY**:

Mr. Barron is subject to the forgoing preface of this complaint.

He was appointed by the Board of Clark County Commissioners to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES Nor the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

Mr. Barron as the chief county administrator for the CORPORATION OF CLARK COUNTY must know he is to operate in the interests of the sovereign state citizens of Clark County. Ignorance of the law is no excuse. In fact, he stated on at least one occasion, 'the words in the Constitution of the State of Washington can be redefined to fit the circumstances when it is necessary.'

When confronted about the use of the term free man in the Washington State constitution Mr. Barron said, 'the word free man has been changed to mean voter.'



# CRIMINAL COMPLAINT [Cont.]

Words in law mean certain and specific things. These same words cannot be changed to mean whatever a county administrator feels he/she wants it to mean. A free man is a voter; however a voter is not necessarily a free man or elector. (BLACKS Law 4<sup>th</sup> Edition)

Mr. Barron is not administrating the county using the lawful 1878 CONSTITUTION of the State of Washington as his rule book.

D/A-12: **Peter Van Nortwick** d.b.a. Assessor for the **CORPORATION OF CLARK COUNTY**:

Mr. Van Nortwick is subject to the forgoing preface of this complaint.

Mr. Van Nortwick, as the newly elected Assessor of the CORPORATE CLARK COUNTY has been carrying out the duties of assessor according to what has been done in the past. Unfortunately, for him, ignorance of the law is no excuse.

He was elected by the sovereign people of Clark County to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES, Nor the 1889 CORPORATE CONSTITUTION OF THE STATE OF WASHINGTON.

Mr. Van Nortwick has been sending out land assessments on sovereign land owners and assessing land that is allodial in nature. This is not lawful according to the lawful 1878 CONSTITUTION of the State of Washington and the supreme law of the nation, the 1787 Constitution for the United States of America.

D/A-13: **Linda Moorhead** d.b.a. CC Code Enforcement for the **CORPORATION OF CLARK COUNTY**:

Ms. Moorhead is subject to the forgoing preface of this complaint.

Ms. Moorhead has been the supervisor of code enforcement for Clark County for many years. She has been informed of the sovereignty of many individuals within the county. She chooses to disregard the rights of sovereigns and issue violations on land she has no jurisdiction over. Ignorance of the law is no excuse.

She was employed by the sovereign people of Clark County to uphold her oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES, Nor the 1889 CORPORATE CONSTITUTION OF THE STATE OF WASHINGTON.

WASHINGTON STATE Supreme court case 35022, Dec 22, 1960, Parosa v. Tacoma, Ruled that RCW's are not law.

Ms. Moorhead has been informed as to the status of sovereigns domiciled on allodial property within the county and disregards evidence that she has no jurisdiction over them.

Ms. Moorhead knows of the lawful 1878 CONSTITUTION of the State of Washington, the supreme law of Washington and so far refuses to follow it.

D/A-14: **Donna Goddard** d.b.a. CC Code Enforcement Coordinator for the **CORPORATION OF CLARK COUNTY**:

Ms. Goddard is subject to the forgoing preface of this complaint.

Ms. Goddard has been a coordinator for code enforcement for Clark County for many years. She has been informed of the sovereignty of individuals within the county and has chosen to disregard the rights of sovereigns and issue unlawful violations. Ignorance of the law is no excuse.

She was employed by the sovereign people of Clark County to uphold her oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878

# CRIMINAL COMPLAINT [Cont.]

CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES, Nor the 1889 CORPORATE CONSTITUTION OF THE STATE OF WASHINGTON.

D/A-15: **Christine Gregoire** d.b.a. WA ST Governor:

Governor Gregoire is subject to the forgoing preface of this complaint.

Governor Gregoire, elected governor of the **CORPORATE STATE OF WASHINGTON**, is one of the main offenders in the continuing perpetration of fraud against the sovereign people of the State of Washington. She cannot plead ignorance of the law on any level. **Ignorance of the law is no excuse.**

She was elected by the sovereign people of Washington State to uphold her oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES or the 1889 CONSTITUTION OF THE STATE OF WASHINGTON Nor the 1889 CORPORATE CONSTITUTION OF THE STATE OF WASHINGTON.

Therefore, the only law that Governor Gregoire must follow is the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington. It is common knowledge that the codes she is following are not session law. She must adhere to the lawful principle of Sovereign allodial title to the land and the sovereignty of the people.

This fraud could not continue for over a hundred years without the chief elected officials deliberately stopping any movement to bring back the lawful 1878 CONSTITUTION of the State of Washington. The history is there for any one that is interested to find the truth of this ongoing fraud.

Governor Gregoire, acting first as Attorney General and then as Governor has no excuse. She is part of the continuing conspiracy to subjugate the people of Washington into slavery. As an attorney, she also knows that a constitutional government and a corporation are mutually exclusive. Therefore, she knows first hand that a corporation is not a republican form of government. A Republican constitutional government cannot exist as a corporation and vice versa; they are mutually exclusive.

Therefore, Governor Gregoire knows that we do not have a Republican form of government as promised in the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington. She has not made any effort to restore a Republican form of government. The elected officials of this state have conspired to enslave the sovereigns of the State of Washington by removing each and every sovereign's right to have clear allodial title to the land as promised in the lawful 1878 CONSTITUTION of the State of Washington.

**IT IS TIME TO END THE FRAUD AND THE SLAVERY TO THE UNLAWFUL CORPORATE STATE CORPORATION** operated under the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON. It is time to end the corporation and bring back our lawful **Republican** from of government

D/A-16: **Brad Owen** d.b.a. WA ST Lieutenant Governor for the **CORPORATE STATE OF WASHINGTON**:

Mr. Owen is subject to the forgoing preface of this complaint.

# CRIMINAL COMPLAINT [Cont.]

Mr. Owen is complicit in this fraud and cover-up by the fact that he is Lieutenant Governor. Ignorance of the law is no excuse. He cannot claim ignorance of the law, when he is just a step away from the governorship. He was elected by the sovereign people of Washington State to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES, Nor the 1889 CORPORATE CONSTITUTION OF THE STATE OF WASHINGTON.

D/A-17: **Rob Mckenna** d.b.a. WA ST Attorney General:

Mr. Mckenna is subject to the forgoing preface of this complaint.

Mr. Mckenna is the elected Attorney General of the **CORPORATE STATE OF WASHINGTON**. Mr. Mckenna cannot plead ignorance of the law. Ignorance of the law is no excuse.

He was elected by the sovereign people of Washington State to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES, Nor the 1889 CORPORATE CONSTITUTION OF THE STATE OF WASHINGTON.

Mr. Mckenna is elected to protect the people from the over-reaching of/usurpation by government. He has failed by not taking his obligations seriously and stopping the fraud and theft by the **CORPORATE STATE OF WASHINGTON**. It is time for Mr. Mckenna to look at his oath and do his job.

D/A-18: **Sam Reed** d.b.a. WA ST Secretary State for the **CORPORATE STATE OF WASHINGTON**:

Mr. Reed is subject to the foregoing preface of this complaint.

Mr. Reed cannot claim ignorance of the law. Ignorance of the law is no excuse. He is just as wrong of perpetuating fraud of the CORPORATE STATE OF WASHINGTON as any other elected official following the fraudulent 1889 CONSTITUTION.

He was elected by the sovereign people of Washington State to uphold his oath to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES, Nor the 1889 CORPORATE CONSTITUTION OF THE STATE OF WASHINGTON.

The Lawful Constitution holds Justices to an even higher standard.

D/A-19: **Barbara Madsen** d.b.a. WA ST Chief Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-20: **Charles Johnson** d.b.a. WA ST Associate Chief Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-21: **Gerry Alexander** d.b.a. WA ST Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-22: **Charles K. Wiggins** d.b.a. WA ST Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-23: **Tom Chambers** d.b.a. WA ST Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-24: **Susan Owens** d.b.a. WA ST Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-25: **Mary Fairhurst** d.b.a. WA ST Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-26: **James Johnson** d.b.a. WA ST Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-27: **Debra Stephens** d.b.a. WA ST Justice for the **CORPORATE STATE OF WASHINGTON**,

D/A-28: **Ronald Culpepper** d.b.a. PIERCE COUNTY District Court Judge for the **CORPORATE STATE OF WASHINGTON**.

## CRIMINAL COMPLAINT [Cont.]

The above listed judges and, as of yet, any judge not named is subject to the forgoing preface of this complaint.

The above judges were elected by the sovereign people of the State of Washington to uphold their oath's to the lawful 1787 Constitution for the United States of America and to the lawful 1878 CONSTITUTION of the State of Washington, not the CORPORATE Constitution of the UNITED STATES, Nor and the 1889 CONSTITUTION OF THE STATE OF WASHINGTON.

The above listed judges and, as of yet, any not named judges, were elected to high court offices under false pretenses. First of all, every one of the judges is operating under fraud even more flagrant than the fraud of replacing the lawful 1878 CONSTITUTION of the State of Washington. All Washington judges are conducting their court rooms under Admiralty law. This is not constitutional common law. It is not the law of the 1878 CONSTITUTION of the State of Washington, nor is it the law of the 1787 Constitution for the United States of America. It is marshal law that should have ended over a century ago.

It is time that the judges of the State of Washington stand for the greater good and not their pocket books. It is time that we, this means all sovereigns, judges included, return to the lawful 1878 CONSTITUTION of the State of Washington and return to the guaranteed Republican form of government by terminating the unlawful CORPORATE WASHINGTON STATE.

It is time for all the judges of the State of Washington to publicly demand that the 2011 Supreme Court of the State of Washington immediately repair the damage that previous Supreme courts have wrought on the sovereign free men of the State of Washington. We the sovereign people have believed that we have a state judicial branch of government, which is protecting our state and sovereign rights, while in actuality; we have federal admiralty courts, which are branches of the federal Admiralty court system. There is not a lawful judicial branch in the State of Washington. Supreme Court case 35022, Dec 22, 1960 Parosa v. Tacoma, Ruled that Codes are not law.

Furthermore, all of the above defendants, in collaboration, are continuing the fraud of the unlawful CORPORATE WASHINGTON STATE based upon the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON, which replaced our Republican form of government in the State of Washington. This Republican form of government is guaranteed in the supreme law of the land, the lawful 1787 Constitution for the United States of America and reinforced by the lawful 1878 CONSTITUTION of the State of Washington, the supreme law of the State of Washington, pursuant to the lawful 1787 Constitution for the United States of America.

These defendant judges, as well as others not named, have perpetuated the fraud of turning our court system over to the FEDERAL CORPORATION in the form of Admiralty courts.

**IT IS TIME TO END THE FRAUD AND THE SLAVERY TO THE UNLAWFUL CORPORATE STATE CORPORATION.** It is time to end the unlawful corporation and bring back our lawful Republican form of government.



CRIMINAL COMPLAINT [Cont.]

THEREFORE

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**[1A-1] Plaintiff(s)/Accuser(s)-P/A**, the United States of America, the People thereof as a nation acting pursuant to Article 6, Section 1, Clauses 2 & 3 of the Constitution for the United States of America, presented ex rel by David A. Darby as a public proxy for all sovereign individuals [Part 3A], and presented by David A. Darby a sovereign individual acting in his own proper person [Part 3B]

**[1A-2] Defendants/Accused-D/A**, Principals and the persons assisting their actions who are called Accessories, who are collectively being accused of violating some fundamental lawful principle or principles upon which the order, peace, and dignity of the civil organization of the nation's people depends.

**[1A-3] - Any other parties of interest.**

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## CRIMINAL COMPLAINT [Cont.]

## [1B] Principles / Military and Civilian POINTS OF LAW

### [1B-1] THE MILITARY ISSUE (Selective Service)

The national organization of the government of the United States of America mandates and relies upon a government option to impose a distress and lien upon the life, liberty and services of every sovereign individual for national security purposes.

This government option is known as selective service military induction, which, due to the predictability of human nature, can never be discontinued.

Reciprocally, the sovereign's possession of his/her property is the necessary and essential foundation for their ability to be predictably available for the government's lawful seizure of their life, liberty and service in support of the Nation, the State, all of their countrymen and the Constitution for the United States of America. The lawful 1787 Constitution for the United States of America was accepted by the States, so that all sovereigns of each state could rely on a reciprocal promise/covenant of the Constitution in return for their allegiance and their covenant/blood oath, which never expires. Without the promise of life, liberty and property, the 1787 Constitution for the United States of America would never have been ratified.

A sovereign individual's covenant, right to property, is a distress and lien exemption against the seizure of property, a reciprocal set-off against the covenant government claim which the government unilaterally imposes upon the sovereign individual's life, liberty and services.

The military covenant oath, a blood oath, to the lawful 1787 Constitution for the United States of America can never be rescinded, never expires, hence, continues throughout the lifetime of the sovereign individual. Thus this covenant oath, a blood oath, establishes a reciprocal covenant contract, responsibility, and accountability, meaning that it works mutually with respect to all parties, in both directions, throughout the lifetime of the sovereign individual.

The general principle of property is that all Sovereigns in this Nation and State shall have the right to be secure in their persons, houses, papers, and effects (lawful 1787 Constitution for the United States of America, Amendment 4).

In Summary, the sovereign swears to lay down his life for his countrymen, his country, and his country's Constitution and all laws pursuant thereto, and, reciprocally, his countrymen, and the officers, politicians, lawyers, and attorneys of his country/nation owe to him/her a covenant/blood oath responsibility to protect his life, his liberty, and his fundamental possessions / real property, which are essential for the fulfillment of his national oath. These protections include but are not limited to his/her right to the property of his/her domicile, for the rest of his/her life, in perpetuity, "until death do us part."

WASHINGTON STATE'S officials have violated the laws of the lawful 1787 Constitution for the United States of America, and their reciprocal part of the blood oath, to protect the sovereign's life, liberty, and his possessions / real property. All of the above defendant state and County Officials are open to all penalties as set forth in the lawful Constitution as written in the Codes of the United States of America.

## CRIMINAL COMPLAINT [Cont.]

**[1B-2]. DOCUMENTS OF LAW**

**[1B-2a]. July 4<sup>th</sup> 1776 Declaration of independence:** This is a blood covenant / contract between the United States of America and the sovereign free men of the separate but equal States. "... and for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor."

**[1B-2b] 1783 Treaty of Paris:** "The treaty between Great Britain and the United States of America". Article 1: His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and independent states, that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof. (Complete text can be found in the National Archives in Washington DC). The treaty of Paris acknowledged the Sovereignty of the independent States. For the balance of this document see National Archives in Washington D.C. A Beneficiary of the Treaty of Versailles A.D. 1783 proclaimed in Lansing v. Smith, [21D.89] (A.D. 1828) and RCW 42.17.251 declaring the people to be the sovereign and operate in Original Venue and Jurisdiction as the Sovereign. I make this special visitation (appearance) in My Public Capacity and Character (Christian) as an integral part of The Sovereign Body Politic which Body was, and is yet, the Grantor of The Original Rules.

**[1B-2c] Black's Law Dictionary 4<sup>th</sup> edition:** STATE, *n.* "A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries,..." Black's Law Dictionary (4<sup>th</sup> edition) defines the term "State", which gives the status of Sovereignty to all the people of the Several States. For the balance of Black's Law Dictionary definition, See 4<sup>th</sup> edition page 1578.

**[1B-2d] 1787 Constitution for the United States of America:** Complete context can be found in the original, lawful 1787 Constitution for the United States of America, located in the National Archives in Washington DC. Not to be confused with the FEDERAL CORPORATE Constitution of the United States of America.

**ARTICLE 1, Section 10:** No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

**ARTICLE 4, Section 3:** New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State [NAFTA]; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress. (NAFTA) (NAFTA has circumvented Article 4, Section 3, clause 1, by extending companies that are incorporated in a state of the UNITED STATES, but located into a foreign country. This is clearly against the constitution.



## CRIMINAL COMPLAINT [Cont.]

**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.**

**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.

**ARTICLE 6: This Constitution**, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of the Land**; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the **Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution**;.....

All Debts contracted (note Amendment 5 just compensation) and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

**[1B-2e] 1789 Amendments to the Constitution-Bill of Rights**

**Amendment 1:** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and **to petition the government for a redress of grievances.**

**Amendment 4:** **"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."**

**Amendment 5:** "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; **nor shall private property be taken for public use, without just compensation.**"

**Amendment 7:** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, **shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.**

**Amendment 9:** **The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.**

## CRIMINAL COMPLAINT [Cont.]

**[1B-2f] November 19, 1863 Lincoln's Gettysburg Address:** "Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation, so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that **government of the people, by the people, for the people, shall not perish from the earth.**"

**[1B-2g] 1871 CIVIL RIGHTS ACT CODIFIED:**

**[1B-2g-1] Title 42 U.S.C. Section 1982:** of the U.S. Code: "Property rights of citizens" is part of the civil rights Act of 1871. It is the statute that controls the use of real and personal property. **Government officials must have a monetary or proprietary interest in the real property in question in order to have jurisdiction over it.**

**[1b-2g-2] Title 42 U.S.C. Section 1983:** - Civil action for deprivation of rights.  
"The Civil Rights Act of 1871"

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

**[1B-2g-3] Title 42 U.S.C. Section 1985:** Pertains to a conspiracy to interfere with civil rights, (1) to prevent an officer from performing a duty; (2) obstructing justice; intimidating party, witness, or juror; (3) or depriving persons of rights or privileges.

**[1B-2g-4] Title 42 U.S.C. Section 1986:** Action for neglect to prevent conspiracy.  
Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [42 USCS § 1985], are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses to do so, if such wrongful act be committed, shall be liable to the party injured, or his/her legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be

**CRIMINAL COMPLAINT [Cont.]**

recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefore, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

**[1B-2g-5] Title 42 U.S.C. Section 1994:** The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

**[1B-2g-6] Title 18 U.S.C. Section 1581:** Peonage; obstructing enforcement

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

**[1B-2g-7] Title 18 U.S.C. Section 3:** Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.

**[1B-2g-8] TITLE 18 SECTION 4 – (18 USC 4) COMMISSION OF A FELONY**

“Whoever, has knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years or both.”

**CRIMINAL COMPLAINT [Cont.]**

**[1B-2g-9] TITLE 18 SECTION 241 – (18 USC 241) – CONSPIRACY AGAINST THE RIGHTS OF CITIZENS**

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway or the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured – they shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both: and if death results they shall be subject to imprisonment for any term of years or for life.

**[1B-2g-10] TITLE 18 SECTION 242 - (18 USC 242) - DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, 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 inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life.

**[1B-2g-11] Title 18 Section 1001:**

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) Falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) Makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding. **[Editorial comment: This seems to allow false statements.]**

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

- (1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or



**CRIMINAL COMPLAINT [Cont.]**

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

**[1B-2g-12] Title 18 Section 1621:**

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; **is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.**

**[1B-2g-13] Title 18 Section 1622:** Subornation of perjury: Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

**[1B-2h] 1878 CONSTITUTION OF THE STATE OF WASHINGTON:** Complete text of the lawful 1878 CONSTITUTION of the State of Washington can be found at the State Archives in Olympia, Washington.

**Article II Eminent Domain**

**Section 3.**

The people of the state, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the state, and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat to the state.

**Article V Declaration of Rights**

**Section 1.**

All political power is inherent in the people, and all free governments are founded on their authority.

**Section 2.**

The people in this state have the sole right to alter or abolish their constitution and form of government whenever they deem it necessary to their safety and happiness; provided such changes be not repugnant to the Constitution for the United States.

**Section 3.**

All persons are by nature free, and equally entitled to certain natural rights; among which are, those of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and seeking and obtaining happiness. To secure these rights, governments are instituted, deriving their just powers from the consent of the governed.

## CRIMINAL COMPLAINT [Cont.]

### Section 5.

No person shall be deprived of life, liberty or property, without due process of law, or be denied the equal protection of the law.

### Section 10.

The right of the people to be secure in their persons, papers, houses and effects against unreasonable seizures and searches shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation in writing, describing, as nearly as may be, the place to be searched, and the person or thing to be seized.

### Section 11.

There shall never be in this state, involuntary servitude, save as punishment for crime, where the party shall have been duly convicted.

### Section 14.

No bill of attainder, ex post facto law, or any law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the legislature.

### Section 15.

Private property shall not be taken or damaged for public use without just compensation; and no persons particular service shall be required without just payment therefore.

### Section 18.

All laws in the possession, enjoyment and descent of the property, shall be alike applicable to resident aliens and citizens.

### Section 23.

**All lands within the state are declared to be allodial, and feudal tenures, with all their incidents, are prohibited.** Liens and grants of agricultural lands for a longer term than fifteen years, in which rent or services of any kind shall be reserved, and all fines and like restraints upon alienation reserved in any grant of land hereafter made, are declared to be void.

### Section 24.

No law shall be passed, granting to any citizen or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

### Section 25.

The operation of the laws shall never be suspended, except by the authority of the legislature.

### Section 26.

The enumeration of this constitution of certain rights, shall not be construed to deny, impair or disparage others retained by the people.

## Article VIII Judicial

### Section 2.

The judicial power of the state, both as a matter of law and equity, shall be vested in a supreme court,

## CRIMINAL COMPLAINT [Cont.]

circuit court, probate court, justices of the peace, and such Inferior municipal courts as may be provided by law.

### Section 5.

The state shall be divided into three judicial districts, to be composed as follows: The first circuit shall comprise all that portion of the state lying east of the summit of the Cascade Mountains. Except the counties of Klickitat. The second circuit shall comprise the counties of Chehalis, Clark, Cowlitz, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum. The third circuit shall comprise of the counties of Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Snohomish and Whatcom.

### Section 9.

The circuit courts shall have original jurisdiction in all matters civil or criminal, within the state, not excepted in this constitution, and not hereafter prohibited by law; and appellate jurisdiction from all inferior courts and tribunals; and a supervisory control over the same. They, and the judges thereof respectively in vacation shall have power to grant writs of habeas corpus, mandamus, prohibition, injunctions, quo warranto, certiorari, and other original and remedial writs necessary to carry into effect their judgments and decrees, and give them a general control over inferior courts, officers and jurisdiction, and to hear and determine said writs at such times and in such manner as may be provided by law. Remedies at law must be administered separately from those in equity.

## Article XII Finances

### Section 17.

Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

## Article XV Miscellaneous

### Section 10.

**All patents or grants of land, made by the United States to settlers and purchasers of tide lands shall be ratified and confirmed by the state.**

### Section 14.

The common law of England – applicable to our conditions and circumstances, and not repugnant to, or inconsistent with, the Constitution for the United States, or the Constitution or laws of this state – shall be in full force, and the rule of decision in all courts in this state; but in the event of laws being passed, conferring rights or impairing obligations growing out of or founded upon principles of the civil and not the common law, then the rules of the civil law may be resorted to for the purpose of interpretation and decision.

## Article XVI Amendments

### Section 1.

Any amendment or amendments to the constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the houses, such proposed amendment or amendments shall be entered in their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the governor, provided, that, if more than one amendment be submitted, they shall be submitted in such

**CRIMINAL COMPLAINT [Cont.]**

manner that the people may vote for or against such amendments separately. The legislature shall also cause the amendments that are to be submitted to the people, be published in some weekly newspaper, in every county where such newspaper is published, throughout the state.

**Section 2.**

Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention, to revise or amend this constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at the next session, provide by law for calling the same; and such convention shall consist of a number of members, not less than that of the most numerous branch of the legislature.

**Section 3.**

Any constitution adopted by such convention shall have no validity until it has been submitted to, and adopted by the people.

**See Part 6 Exhibits for the time line and list of certified documents that prove the fraud of the 1889 CONSTITUTION OF THE STATE OF WASHINGTON. Also see 10<sup>th</sup> District case 2:10cv00053 for time line of fraud.**

**[1B-2i] Partial Listing in the Dun & Bradstreet Corporation Directory for the Following for Profit Corporations of the UNITED STATES and the STATE OF WASHINGTON:**

- The "GOVERNMENT OF THE UNITED STATES" corporation. Duns® # 16-190-6193, Ownership is private.
- The UNITED STATES DEPARTMENT OF THE ARMY has Duns® # 11-495-0892, Ownership is private.
- STATE OF WASHINGTON, DUNS® Number # 07-924-8936, Ownership is private.
- WASHINGTON SENATE, DUNS® # 80-888-2138, is owned by corporation with DUNS® # 07-924-8936, Ownership is private.
- JUDICIARY COURTS OF THE STATE OF WASHINGTON, DUNS® #79-053-1545, Ownership is private.
- STATE PATROL WASHINGTON STATE DEPARTMENT OF, DUNS® #94-560-7737, Ownership is private.
- ATTORNEY GENERAL WASHINGTON STATE OFFICE OF, DUNS® # 61-756-9314, owned by corporation with DUNS® # 079248936, Ownership is private.
- COUNTY OF CLARK STATE OF WASHINGTON, DUNS® owned by corporation # 03-078-3757.
- COUNTY OF CLARK STATE OF WASHINGTON, owned by corporation DUNS® # 12-937-2038.

These are but a few corporations of the STATE OF WASHINGTON and the FEDERAL CORPORATION. Most all agencies are each their own corporation.



## CRIMINAL COMPLAINT [Cont.]

**[2A] GENERAL ALLEGATIONS / CLAIMS****[2A-1] WHAT IT ALL MEANS IN TODAYS WORLD**

First we must discuss the FEDERAL CORPORATION'S responsibility in the history in the State of Washington. All sovereign free men/women by definition are parties to the lawful 1787 Constitution for the United States of America. This status can never be taken from sovereign free men/women. The corrupt FEDERAL and STATE CORPORATIONS have relied on the unlawful contracts that all sovereigns were fraudulently forced to sign which removed the status of sovereignty from the free people. Our forefathers died to end the feudal system and to give all American sovereigns allodial title to the land. Both the FEDERAL & STATE corporate governments have stolen our God given rights of sovereignty and reinstated a feudal system under the CORPORATE FEDERAL government acting the part of the "King."

The United States of America acting in good faith with the sovereign people, issued land patents (Contracts) to convey titled allodial land to the sovereign free men. Under land patent law all codicils are in the land patent contract. This means that no restrictions can be added to the land in question. Therefore, local land use laws are unconstitutional, once the land patent document has been transferred to the sovereign. All land patents and all codicils to that contract are protected by Article I, Section 10 of the lawful 1787 Constitution for the United States of America. The WASHINGTON STATE Corporation is not honoring most all land patent contracts that are covered by Article 1, Section 10 concerning contracts with the United States of America.

The State of Washington cannot arbitrarily disregard the land patent title nor claim that the land patent cannot be passed on by sovereign free men. The Land patent specifies that subsequent heirs and assigns are authorized, as sovereigns, to receive the allodial title as it is reassigned. The State has no authority to disregard the land patent title documents. There are no stipulations in the codicil of the Land Patent that stipulate that the title is only for the original owner. This clearly means that the land patent can be reassigned to heirs or assigns (buyers) in perpetuity. Therefore, land patents are valid in perpetuity. The only responsibility that the State or County has in the process of Land Patent reassignment, is that it makes sure that the reassignment is done correctly, lawfully, and follows all land patent laws.

It is assumed that if the sovereigns are giving part of their labor and property through taxes to the government, then, under a republican form of government, the government must be giving something of equal value in return. In this case the government is in the business of taking from the sovereign and giving little or nothing in return, just as the King under the old feudal system. Now, County governments steal from the taxpayers and build a bloated bureaucracy that redistributes wealth as the "King" that is, County Government, sees fit.

The lawful 1787 Constitution for the United States of America prohibits the government from violating the labor opportunities of the sovereign individual by the establishment of treaties with foreign nations for cheap foreign labor. Such a violation undermines the occupational structure of the United States of America and the ability of sovereign individuals to pay taxes in support of government and its legal currency. (NAFTA) When the governments both Federal and State became corporations, they do not adhere to the guarantees of the Constitution. The CORPORATION serves itself, not the people.

## CRIMINAL COMPLAINT [Cont.]

Even though the unlawful CORPORATION OF THE UNITED STATES has made treaties, they are not binding to the United States of America. It is very simple. The CORPORATION OF THE UNITED STATES cannot lawfully represent the Constitutional United States of America.

There is nothing in the lawful 1787 Constitution for the United States of America that gives the Federal Government the authority to form a FEDERAL CORPORATION. The Federal corporation is representing itself, not the people of the United States of America, as a Constitutional government would be required to do. The corporation of the UNITED STATES has passed unlawful laws that make it unprofitable for companies to stay in business within the borders of the United States. Then, union contracts force the price of commodities upward. These same companies are forced into moving to third world countries, because those countries do not have the same laws or unions that tend to make companies unprofitable and unable to economically stay in the United States of America.

The FEDERAL CORPORATION has at least three problems. The first is that Lawful Constitutional government was never reinstituted after the Civil War. President Lincoln dismissed congress "Sine Die" at the beginning of the Civil War. (Black's Law 4<sup>th</sup> edition defines Sine Die as: "Without day; without assigning a day for a further meeting or hearing. Hence, a final adjournment; a final dismissal of a cause.") Only the States can lawfully bring back the congress after the Civil War, not the sitting president.

Secondly, all laws passed by the corporation are Admiralty in nature, not common law. This country is still under marshal law dating back to the Civil War. Marshal Law is not Constitutional law. Congress did not officially end Civil War. President Lincoln declared a cessation to the hostilities, from a technical view there was no lawful congress to end the Civil War. It is and always will be congress's constitutional duty to end Wars. Therefore, marshal law or Admiralty law continued to be the system of laws in the United States unconstitutionally. Once dismissed, there was no constitutional congress to reinstituted Constitutional or Common Law after the Civil War. But, life must go on, and congress had a national purpose despite Lincoln's death. Martial law was perpetuated through executive orders.

Thirdly, the FEDERAL UNITED STATES CORPORATION is not the Constitutional government. In 1871 the unlawful congress passed the unlawful act that made Washington DC a FEDERAL UNITED STATES CORPORATION. It was passed by an unlawful congress that had no constitutional authority to pass the act that formed the FEDERAL CORPORATION of UNITED STATES. Therefore, all legislation and amendments that have been passed by the CORPORATION OF THE UNITED STATES are unlawful and not binding upon the United States of America and ultimately not binding upon the individual States.

The lawful 1787 Constitution for the United States of America protects the labor of the sovereign individual and the right of the sovereign individual to allodial property. The Corporation of the UNITED STATES has stolen all sovereign rights and all the property rights of the sovereign by declaring that all real property belongs to the State. The FEDERAL CORPORATION belatedly covered their tracks by passing Senate Document 43 in 1933 that gave all real property to the government. This was promoted and signed by President Roosevelt. The FEDERAL CORPORATION at this time had no direct control over the daily lives of citizens. Therefore, the FEDERAL CORPORATION lied to the sovereign people so that they

## CRIMINAL COMPLAINT [Cont.]

would sign away their sovereign rights. This unconstitutional FEDERAL owned corporation called Social Security, a FEDERAL BANK, convinced the sovereigns that they would receive an old age pension if they would only sign the Social Security forms. No where in the Social Security act did the FEDERAL CORPORATION talk about the loss of sovereignty. It was not until the Buck Act that the signature to the Social Security contract was tied into loss of sovereignty.

Our government can either be a Republican form of government or it can be a Corporation, meaning that it can be answerable to the public or answerable only to itself; these two systems are mutually exclusive, as only one can exist as the government of the United States of America at one time.

The lawful 1878 CONSTITUTION of the State of Washington is the only Washington Constitution written into the United States Congressional record, and it was never lawfully invalidated. Therefore, it is the only lawful Constitution of the State of Washington recognized by the United States of America. The lawful 1878 Constitution was entered into the United States Congressional Record on January 28<sup>th</sup> 1889 AD, 50<sup>th</sup> Congress 2<sup>nd</sup> session, Misc. Doc. No. 55; after being presented to congress by Washington Territory's Mr. Voorhees. Thus, it indicates that the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON is fraudulent. The 1889 CONSTITUTION was never entered into the United States Congressional Record and the State of Washington existed over 8 months before the elected officials proclaimed the lawful existence of the State of Washington on November 11, 1889. The statehood proclamation was presented, after they had drafted a fraudulent 1889 Constitution and made the switch. The territorial governor did not follow the law as set forth in the lawful 1878 CONSTITUTION of the State of Washington, Article XVI, Sections 1,2,3; that was lawfully voted on by the sovereign electors of the Washington Territory in 1878. It was all a fraud against the sovereign people of the Washington territory to rob them of their sovereignty and clear title to the land.

All of these sovereign rights are guaranteed to the sovereign people as defined in the lawful 1787 Constitution for the United States of America which guarantees sovereignty to a free people, and the lawful 1878 CONSTITUTION of the State of Washington reinforces and restates all of these sovereign rights. (See Article II, Section 3 of the lawful 1878 Constitution in section of this document (1b-2h).

A State is only sovereign when the people are sovereign. The State as defined in Black's Law, 4<sup>th</sup> edition, defines the State as: "A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within it's boundaries....."

The benefits that are provided by, and pursuant to, the lawful 1787 Constitution for the United States of America are listed in the lawful 1878 CONSTITUTION of the State of Washington in Art. II, Sect. 3 and Art. V, Sect. 23, as it pertains to individual sovereignty and the sovereign's right to hold the Title to the land, the Land Patent.

As declared in Article V, Section 23 of the lawful 1878 CONSTITUTION of the State of Washington, "All lands within the State are declared to be allodial, and feudal tenures, with all

**CRIMINAL COMPLAINT [Cont.]**

their incidents are prohibited....." Feudal tenures is what the WASHINGTON STATE CORPORATION has brought back to the State of Washington. Article V, Section 23, supports the sovereign in his allodial land rights.

Common Law is the law of the sovereign free men. Admiralty, Equity and statute law are not the law of the lawful sovereign that is a party to the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington.

Most Admiralty, equity, or Statute laws are repugnant to Common Law, the Supreme Law of the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington.

A Republican form of government does not discriminate against anyone except criminals, and criminals serve only themselves. It is only a fine step between a criminal and a government officer, because power corrupts and absolute power corrupts absolutely.

**[2A-2] OFFENSES COMMITTED:**

1. The above defendants named and unnamed in **P/1A** of this Criminal Complaint have continued the ongoing theft and fraud of all sovereign rights and sovereign allodial land rights. These offenses are against the Supreme Law of the land, the 1787 Constitution for the United States of America and the 1878 CONSTITUTION of the State of Washington the Supreme Law of Washington State.
2. The above defendants named and unnamed in **P/1A** of this Criminal Complaint have continued the ongoing fraud of replacing the lawful 1878 CONSTITUTION of the State of Washington with the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON. The fraud was perpetrated in 1889 and has been protected ever since by the elected officials and judges of the CORPORATE STATE OF WASHINGTON. See (1B-2h) Article XVI, Sections 1, 2, 3. This article of the 1878 CONSTITUTION of the State of Washington was not followed by the Territorial governor in 1889 and has been continued to be covered up by the executives of the CORPORATION OF THE STATE OF WASHINGTON.
3. The above defendants named and unnamed in **P/1A** of this Criminal Complaint have continued to ignore the guarantees of the lawful 1787 Constitution for the United States of America. In so doing, the executives of THE WASHINGTON STATE CORPORATION d.b.a. as the State of Washington through the officers of the corporation have defrauded all sovereigns out of their sovereign rights and allodial land rights, to the advantage of the WASHINGTON STATE CORPORATION and it's executives. They have continued the fraud and theft of our lawful **REPUBLIC**.
4. The above named and unnamed defendants, representing the County and State, have not followed the law specified in United States Code, title 42, Sections 1982 and 1983. (Government must have a monetary or proprietary interest in the real property in question in order to have jurisdiction over it).
5. The above named and unnamed defendants representing the County and the State have



# CRIMINAL COMPLAINT [Cont.]

not followed their oath of office to uphold the lawful 1787 Constitution for the United States, Article 1, Section 10, which states in part, "No State shall pass Laws impairing the Obligation of Contracts." In this case it is the Land Patent contract that is not being upheld by the above defendants.

6. Greg Kimsey, and the above named and not named defendants, elected and not elected officials of the corporate STATE OF WASHINGTON DID/HAVE UNLAWFULLY used Admiralty Law instead of the laws enumerated in the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington.
7. The selected named defendants and not named others are in violation of lawful 1878 CONSTITUTION of the State of Washington, Article II, Section 3, Article V, Sections 1, 2, 3, 5, 9, 10, 11, 14, 15, 18, 23, 24, 26; Article 12, Section 17; Article XV, Section 10 (All patents and grants of lands, made by the United States settlers and purchasers of the tide-lands shall be ratified and confirmed by the state; Article XVI (Explains the only way to amend the lawful 1878 Constitution or to replace it; and subject to United States Code Title 18, Sections 241 and 242, and pursuant thereto.

**IT IS TIME TO END THE FRAUD OF, AND THE SLAVERY TO, THE UNLAWFUL STATE CORPORATION.** It is time to end the unlawful corporation and bring back our lawful Republican form of government.

Unofficial Copy

## CRIMINAL COMPLAINT [Cont.]

## [3A] EXPLICIT LEDGERING / PUBLIC RELIEF PUBLIC APPLICATION

The above defendants, named and unnamed are accused by this instrument, of the offense of violation(s) herein listed and marked parts of the lawful 1787 Constitution for the United States of America—the ORIGINAL and supreme Law of the Land. Said defendants, in all counties including Clark County, of the State of Washington are accused of unlawfully perpetuating the fraud and theft that was instigated against the free sovereign people of the State of Washington starting with the fraudulent 1889 CONSTITUTION of the STATE OF WASHINGTON to present day, and all statute laws that are repugnant to the lawful 1878 CONSTITUTION of the State of Washington. Said defendants(s), have continued the fraud and theft of sovereign property from November 11, 1889 up to and including **this Date: November 21<sup>th</sup>, of A.D. 2011.**

The above defendants **DID UNLAWFULLY** deny all of the sovereign people, including David A. Darby, of the State of Washington their constitutional rights enumerated in the lawful 1787 Constitution for the United States of America as detailed in the next few pages and in Section 4, Surety.

### [3A-1] COMMITTED AS FOLLOWS:

1. Greg Kimsey, d.b.a. Clark County Auditor, with the premeditated support, forethought, and the full backing of the above named and unnamed defendants, elected and non elected officials of the CORPORATE STATE OF WASHINGTON, **DID/HAS Unlawfully** continued the conspiracy of the corporate STATE OF WASHINGTON. The above named defendants have denied me, David A. Darby, and the sovereign people of the Sovereign State of Washington, clear, allodial title to their land. Those same said elected and non- elected officials have broken the laws set forth in the lawful 1787 Constitution for the United States of America. The exact articles and amendments are checked on the **Table of Constitutional Violations** located in the following pages.
2. Greg Kimsey, with the premeditated support, forethought, and full backing of the above named and unnamed defendants, elected and non-elected officials of the corporate STATE OF WASHINGTON **DID/HAVE UNLAWFULLY** continued to deny me, David A. Darby, and the sovereign people of the State of Washington a republican form of government as guaranteed by the lawful 1787 Constitution for the United States of America.
3. Greg Kimsey, and the above named and unnamed defendants elected and non-elected officials of the corporate STATE OF WASHINGTON **DID/HAVE UNLAWFULLY** violated the sovereignty status of all sovereigns domiciled in the State of Washington that was granted in the 1783 Treaty of Paris, Article 1, the lawful 1787 Constitution for the United States of America, and the lawful 1878 CONSTITUTION of the State of Washington Article II, Section 3. This was committed by continuing the fraud of the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON and by withholding lawful elections that would populate the lawful offices of the Executive, Legislative and Judicial branches of the lawful 1878 CONSTITUTION of the State of Washington contract with the sovereign people of the State of Washington. This complaint has

**CRIMINAL COMPLAINT [Cont.]**

as its foremost purpose the ending of this crime which has been, and is yet being, perpetrated on the sovereigns of the State of Washington.

There are no articles or amendments in either the lawful 1878 CONSTITUTION of the State of Washington or the lawful 1787 Constitution for the United States of America that grant the above named defendants the power to ignore the sovereignty of the people.

**[3A-2] STATEMENT OF FACT:**

Greg Kimsey and the above named and unnamed defendants have ignored the legal and lawful contract which was ratified and certified by the sovereign people of the State of Washington and passed into law in the 1878 general election. Some have acknowledged the existence of the original lawful 1878 CONSTITUTION, but refused to follow it and others merely ignore the original lawful Constitution. These same above defendants chose to ignore the 1787 Constitution for the United States of America including but not limited to the following articles and amendments: Articles I, and VI; and Amendments I, VII, and IX, therefore violating their covenant oath of office to act pursuant to the lawful 1878 CONSTITUTION of the State of Washington and its national root, the lawful 1787 Constitution for the United States of America, the Supreme Law of the Land Article 6, Section 1, Clauses 2 and 3, and the 4th Amendment.

The above listed defendants have continued the fraud of the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON by ignoring the original lawful 1878 CONSTITUTION of the State of Washington and fraudulently claiming the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON is the correct constitution.

The above listed defendants have continued the unlawful corporation of the STATE OF WASHINGTON that removes all constitutional government from the sovereign people of the State of Washington.

Greg Kimsey, and the above named and unnamed defendants have refused to provide proof that the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON was passed into law lawfully.

The above defendants have refused to provide proof that the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON is the constitution that was written into the United States Congressional record, just as all state constitutions are written into the record before statehood is granted. This proof has been requested of Greg Kimsey and other county or state officials and all have failed to provide this proof to me, David A. Darby, or to the best of my knowledge, to any other sovereign in any other county in the STATE of WASHINGTON.

Greg Kimsey and the above named and unnamed defendants, representing the County and State, have not followed the law specified in United States Code, title 42, Sections 1982 and 1983. (Government must have a monetary or proprietary interest in the real property in question in order to have jurisdiction over it).

Greg Kimsey and the above named and unnamed defendants representing the County and the State have not followed their oath of office to uphold the lawful 1787 Constitution for the United States, Article 1, Section 10, which states in part, "No State shall pass Laws impairing

# CRIMINAL COMPLAINT [Cont.]

the Obligation of Contracts."

The selected named defendants and un-named others are in violation of the lawful 1787 Constitution for the United States of America Article IV, Sections 2,3,4.

Greg Kimsey, and the above named and unnamed defendants elected and non-elected officials of the corporate STATE OF WASHINGTON **DID/HAVE UNLAWFULLY** used Admiralty Law instead of the laws enumerated in the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington.

The above named and unnamed defendants have conspired to keep the fraud of the 1889 Washington State Constitutional conspiracy from the free people of the State of Washington. By not adhering to the lawful 1878 CONSTITUTION of the State of Washington, the above defendants have committed theft of property, theft of individual sovereignty, and removed the supreme law of the State, common law, from the free people of the State of Washington.

The above named politicians, officials and any other presently unknown defendant persons in any Counties of Washington State, have continued the reversal of the laws of the lawful 1878 CONSTITUTION of the State of Washington, and have turned all private land back into a feudal system so that the state is acting as king, and the sovereigns are now the slaves.

These above named and unnamed defendants have stolen the land from me, David A. Darby, and all sovereign free men/women of the State of Washington, by denying them clear title (land patent title) to the land and enacting laws that are repugnant to the lawful 1878 CONSTITUTION of the State of Washington and the lawful 1787 Constitution for the United States of America. Both Constitutions guarantee our land rights.

We, the free sovereigns of the State of Washington, demand that the lawful 1878 CONSTITUTION of the State of Washington be reinstated as the only constitution for the State of Washington.

We, sovereigns of the State of Washington, further demand that the republican form of government, which is guaranteed to us by statehood in the United State of America, be reinstated. Only then can the State of Washington claim sovereign rights.

The selected named defendants and un-named others are in violation of lawful 1878 CONSTITUTION of the State of Washington, Article II, Section 3, Article V, Sections 1, 2, 3, 5, 9, 10, 11, 14, 15, 18, 23, 24, 26; Article 12, Section 17; Article XV, Section 10 (which states that all patents and grants of lands, made by the United States to settlers and purchasers of the tide-lands shall be ratified and confirmed by the state; Article XVI (which explains the only way to amend the lawful 1878 Constitution or replace it); and that which is pursuant to United States Code Title 18, Sections 241 and 242, and that which is pursuant thereto.

## [3A-3] NOTICE OF CLAIM OF SOVEREIGN POSSESSION AND A DEMAND FOR



## CRIMINAL COMPLAINT [Cont.]

### ACCOUNTABILITY

I, David A. Darby, a sovereign, depose and say that Greg Kimsey and all other named and unnamed defendants must act in their capacity as bonded and un-bonded state and county agents:

Bonded in part by the Washington Bar, the STATE of WASHINGTON, and one of, but not only, the following Surety companies, but not limited to:  
Hartford, Travelers Casualty and Surety Company of America, and  
Colonial American Casualty & Surety Co.,  
Greg Kimsey's Faithful Position Bond, Bond Number 52BSBAT6744, .

Greg Kimsey:

(1) has refused to recognize my sovereign Allodial Title to my Property, and has refused to recognize my updated Land Patent.

(2) did refuse me access to the natural Rights and the legal Benefits, which are associated with that Title. All of these are listed below:

- A. Allodial title to my land.
- B. Recognition of Rights that are guaranteed under the Allodial title.
- C. Benefits that are provided by, and pursuant to, the lawful 1787 Constitution for the United States of America and the lawful 1878 CONSTITUTION of the State of Washington at Art. 3, sect. 2, Art. 5 sect. 23, as it pertains to individual sovereignty and the sovereign's right to hold the Title to the land, the Land Patent.

I, David A. Darby, claim that the Officers of the WASHINGTON STATE CORPORATE GOVERNMENT based in Clark County and the rest of the State of Washington are denying and suppressing my sovereignty and my sovereign property rights, and the same rights of all other sovereign free men /women domiciled within the borders of the State of Washington.

CRIMINAL COMPLAINT [Cont.]

[3B] EXPLICIT LEDGERING / RELIEF  
PERSONAL APPLICATION

No greater love hath a man than that he would lay down his life for his friends

I, David A. Darby hereby set forth my credentials to bring forth this argument.

[3B-1] JURISDICTION

TITLE 18 SECTION 4 - (18 USC 4) COMMISSION OF A FELONY

“Whoever, has knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years or both.”

Retaliation against any person filing pursuant to this statute commits a felony.

Point of Law: Sovereignty Defined: U.S. Constitution, 5<sup>th</sup> Amendment Just Compensation

Constitutional Commercial Sovereignty of the free man

- a. In American Law, Sovereignty is defined as the right and responsibility of a Citizen to demand and enforce Just Compensation from the government, for the public use of private property. (U.S. Constitution 5<sup>th</sup> Amendment).
- b. The Citizen is said to be “Sovereign” when:
  - (1) He/she can lawfully Command the honorable bargain of Just Compensation from the government (18 USC 241 & 242), and
  - (2) He/she is actively involved in lawful conscientious objection to the unlawful use of government power. (USC Title 18, Section 4)
- c. Each Citizen has the natural rights to possess life, liberty, and property. (US Constitution 1<sup>st</sup> through 4<sup>th</sup> and 9<sup>th</sup> Amendments)
- d. A government cannot take both liberty and property from a Citizen without imposing civil death upon the Citizen. (Selective Service as a Bill of Attainder or Bill of Pains and Penalties). (U.S. Constitution – Article 1, Section 9, clause 3, and Article 1, Section 10, clause 1)
- e. When a government establishes a military Selective Service to conscript its Citizens, it exercises the powers of Distress and Lien upon the Citizens’ lives and liberty. But, then the government loses the lawful power to commercially encumber the private property of the Citizens. (42 USC 1994 and 18 USC 1581)

## CRIMINAL COMPLAINT [Cont.]

**Sovereignty as defined by Black's Law 4<sup>th</sup> Edition**

- f. Treaty and Constitutional Sovereignty is defined according to BLACK'S law 4th edition, page 1568 as: A person, body, or state in which independent and supreme authority is vested;...
- g. And further defined herein as: All persons lawfully domiciled within the boundaries of the 50 sovereign States of the United States of America, according to the lawful 1787 Constitution for the United States of America, the lawful 1878 CONSTITUTION of the State of Washington, the lawful 1783 Treaty of Paris, and the BLACK'S law 4th edition page 1568 definition of the noun (State).

State Sovereignty is defined as all sovereign people domiciled and residing within the boundaries of the State of Washington per the 1878 CONSTITUTION of the State of Washington, Article 2, Section 3. Therefore, the State of Washington cannot be sovereign unless the people are Sovereign.

I, David A. Darby, claim that I have given the blood oath to the United States of America and the State of Washington. I have declared my God given sovereign status restored by recording in Clark County Superior Court document numbered 08 2 02745 1, Notice of Termination of Social Security Agreement and Declaration of State Citizenship. The previous document, the said Notice of Termination ..., is the termination between this sovereign and the FEDERAL AND STATE CORPORATIONS.

The above termination document re-establishes my lawful sovereign free man born status as a sovereign individual able to lawfully possess clear title to my land, meaning that my land cannot be lawfully liened by any government for taxes, use laws or any other debt claimed by the government. Therefore, no government entity has any jurisdiction over my allodial titled land. I, David A. Darby, have regained the protections of the lawful 1787 Constitution for the United States of America, which I lost, when I signed the Social Security Agreement per the Buck Act. I, David A. Darby, have regained the protection of the lawful 1878 CONSTITUTION of the State of Washington.

**[3B-2]: Principles of Claim, Military Credentials****No greater love hath a man than that he would lay down his life for his friends.**

This Nation, the United States of America, made a covenant/blood contract claim upon me and my life, a sovereign individual, by way of Selective Service Account Number: 45-15-45-222, which I satisfied by my military service during the Vietnam era.

I, David A. Darby, Sgt, inactive, United States Air Force, Air Force ID #18754355, Military ID # 5364XXX52, Commercial Surety Bonding, U.S. Treasury Account and Bond Number 5364XXX52, do hereby further declare that my sovereignty was, and is, reaffirmed by my military swearing of my allegiance to this Nation and its Constitution on the 21st of March 1966 through a covenant oath, a blood oath, to: **A blood oath, a declaration of Sacred Honor, to:**

*"...support and defend this nation, the United States of America and the Constitution of*

**CRIMINAL COMPLAINT [Cont.]**

*the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to those regulations and Uniform Code of Military Justice pursuant to the Constitution of the United States of America. So help me God.*

This government- versus- sovereign lien exemption was a reciprocal set-off against the covenant claim which the United States government unilaterally imposed upon my life and services known as selective service military induction. In other words, my sovereign possession of my property is the foundation of my ability to be available for lawful service to the Nation.

I, David A. Darby, a military veteran, bring forth this claim, issue and cause as a Sovereign born free man of the State of Arizona, United States of America, domiciled in Washington State, Clark County, Amboy City, at 15717 NE Grantham Road. This domicile address is also the address of my principal residence.

I, David A. Darby claim that under Article 1 of the 1783 Treaty of Paris, I am guaranteed my sovereign rights, which I reconfirmed in my Notice of Termination of Social Security Agreement filed in Superior Court of Clark County under file number 08 2 02745 1. This canceled the fraudulent contract, which removed sovereignty status from me and the sovereign people through the Buck Act, which consequently made me a FEDERAL CORPORATION CITIZEN and a CORPORATE WASHINGTON STATE CITIZEN.

**End of Declaration of Sacred Honor and see the end of the Declaration of Independence July 4<sup>th</sup> 1776**

**[3B-3] Consequence for My Claim and the Claim of all Sovereigns**

I, David A. Darby, claim that I am entitled to sovereign possession of my property.

I, David A. Darby, claim that I am a sovereign free man in the United States of America and a sovereign free man domiciled within the boundaries of the free Sovereign Washington State.

I, David A. Darby, claim the County and State government officials cannot deny my title by claiming that the land patent only protects the sovereign that it was issued to.

I, David A. Darby, Claim that the 1878 CONSTITUTION of the State of Washington is the only lawful constitution that was approved by the Congress of the United States of America for the State of Washington.

I, David A. Darby, am a sovereign and entitled to all the benefits that sovereignty status entitles me and am now again a lawful party to the lawful 1787 Constitution for the United States of America.

I, David A. Darby, claim that the process to obtain the remedy to restore all of my sovereign rights, rests upon the lawful 1787 Constitution for the United States of America, and



**CRIMINAL COMPLAINT [Cont.]**

other documents cited below, including my pledge of allegiance to, and my military service for, this nation. My pledge of allegiance to the Flag of the United States of America (Blood oath to the lawful Constitution for the United States of America) and the strict accountability mandate of Title 18 Section 4 of the United States Code, applies to civil rights protections (U.S. Const. AM 4) guaranteed under Title 18, Sections 241 and 242 of the United States Code.

I, David A. Darby, claim the County and State government officials cannot deny my title by claiming that the land patent only protects the sovereign that it was issued to.

I, David A. Darby, claim that I am entitled to all of my sovereign rights claimed through the reciprocal blood oath to the United States of America preceding my four years of military service. That blood oath is never rescinded and I demand the reciprocal guarantees of the lawful 1787 Constitution for the United States of America.

I, David A. Darby, claim that Notice of Termination from UNITED STATES corporation and the WASHINGTON STATE corporation trust contracts, document located at Clark County, Washington Superior Court document number 08 2 02745 1 canceled all contracts with the FEDERAL, STATE, and COUNTY CORPORATIONS.

**Sovereignty - findings of facts, herein individual denies any other principle, but Sovereignty**

CRIMINAL COMPLAINT [Cont.]

[4] SURETY

**Title 42 section 1986-Reasonable Diligence mandated- United States Brother's Keeper Statute**

Action for neglect to prevent conspiracy

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [42 USCS § 1985], are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses to do so, if such wrongful act be committed, shall be liable to the party injured, or his legal.

And such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefore, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

**18 USC 4 - Complaint Mandated - Retaliation against complainant a felony - COMMISSION OF A FELONY**

“Whoever, has knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years or both.”

Retaliation against any person filing pursuant to this statute commits a felony.

**TITLE 18 SECTION 241 - (18 USC 241) - CONSPIRACY AGAINST THE RIGHTS OF CITIZENS**

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway or the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - they shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both: and if death results they shall be subject to imprisonment for any term of years or for life.

**TITLE 18 SECTION 242 - (18 USC 242) - DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, 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 inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life.

CRIMINAL COMPLAINT [Cont.]

<b>THEREFORE, the Court shall punish according to TITLE 18 SECTION 241/242.</b>
<b>Title 42 U.S.C. Section 1994:</b> The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.
<b>Title 18 U.S.C. Section 1581:</b> Peonage; obstructing enforcement (a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both. (b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

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CRIMINAL COMPLAINT [Cont.]

[4A-1] Table of Constitutional Violations

INSTRUCTION: Mark the boxes below where you believe the Law has been violated.	
THIS SIMPLIFIES AND CODES U.S. CONSTITUTIONAL LAWS AS SHOWN FOR BETTER AND MORE COMPLETE UNDERSTANDING FOR ALL. (SEE NEXT BOX)	<div>101/OC – <u>O</u>bligation of <u>C</u>ontracts<div>Clause 1<div>Section 10<div>Article 1<div>AM14.1/EP – <u>E</u>qual <u>P</u>rotection<div>Section 1<div>Amendment 14</div></div></div></div></div></div></div>

I. PROTECTIONS OF YOUR BASIC RIGHTS — (If you prefer, add more such as attachments on the line below labeled "other")

- ☒ AM1/FR No law shall be made limiting my freedom of religion and how I apply it to my life (conscience). \*1
- ☒ AM 13.1/S, IS No law-abiding person shall be forced to do anything he does not want to do. (Economic Slavery).
- \*1- Sovereignty is based on nature & natures laws---See Declaration of Independence 1B -2a herein

II. GUARANTEES OF AN HONEST GOVERNMENT THAT GIVES FAIR AND EQUAL PROTECTION FOR ALL

- ☒ AM1/FS No law shall limit my freedom of speech - I can say whatever I believe - especially if required (when someone requires me to tell the Truth, the whole Truth, and nothing but the Truth...). \*2
- ☒ AM1/FP No law shall limit freedom of the press - or my freedom to express my ideas in writing or printing. \*2
- ☒ AM14.1/CUS All persons born or naturalized in the U.S. are citizens and protected by the lawful U.S. Constitution.
- ☒ AM14.1/EP All persons shall be equally protected and restricted by the law.
- ☒ 421/UP, UI People of each state can do anything that is allowed in any other state.
- ☒ 411/ARP No state shall refuse to acknowledge the actions and records its own state records and other states
- ☒ AM14.1/CP, CI No state shall make or enforce any law limiting rights guaranteed in the U.S. Constitution.
- \*2- Deprivation of truth by imposing a false and fraudulent Constitution. Deprivation of discretion. Deprivation of truth & full disclosure.

III. GUARANTEES OF REASONABLE ENFORCEMENT OF YOUR RIGHTS

- ☒ AM4/PS I am safe from unwarranted searches/seizures of myself, or anything mine (or my responsibility).
- ☒ AM4/W, PC Any action taken against me must be fully described to me in writing, issued by a court of law (not an agency - like IRS), signed by a judge (not an agent - like IRS), and sworn on oath.
- ☒ 101/OC No state shall pass any law impairing the obligation of contracts.

IV. GUARANTEES OF DUE PROCESS (ACTION/REACTION PROCESS THAT PROVIDES JUSTICE FOR ALL)

- ☒ AM5/DP No person shall be deprived of anything without a fair trial based on Constitutional law.
- ☒ AM14/DP No State shall deprive anyone of anything without a fair trial based on Constitutional law.

V. PROTECTIONS AGAINST UNREASONABLE GOVERNMENT BEHAVIOR (OVER CONTROLLING YOUR LIFE)

- ☒ 411/CPE Congress determines the effect of state legal processes.
- ☒ 101/LMR No state shall declare war on a person (resort to force) in violation of the Constitution.
- ☒ AM8/XB No excessive bail shall be required - bail shall be proportional to crime.
- ☒ AM8/XF No excessive fines shall be imposed - fines shall be proportional to crime. \*3
- ☒ AM8/CP No cruel punishment (torture) shall be inflicted on anyone. \*3
- ☒ AM8/UP No unusual punishment shall be inflicted - there shall be equal suffering for equal crimes. \*3
- \*3-AM13.1/SIS- see Section I. Asterisk #1

VI. PROTECTIONS AGAINST GOVERNMENT SECRECY — WHICH FORCES GOVERNMENT TO BE HONEST

- ☒ AM6/INFO, AM14.1/EP I may require as much in writing as is required of me.
- ☒ 311/GB All judges may only hold office during their good behavior (lawful, patient, dignified, courteous, etc.).
- ☒ AM5/JC No one shall give up or lose anything (taxes) for public gain without fair compensation.
- ☒ AM7/JT All trials not involving the threat of jail, and involving over \$20 shall be tried by jury of peers.



CRIMINAL COMPLAINT [Cont.]

- ☒ 323/JT All trials involving the threat of jail shall be by jury of peers (including friends). \*4
- ☒ AM6/IJT A jury must impartially rule on facts (even ruling against any law they believe unfair). \*4
- ☒ AM6/TWC A jury must be of the state and district where the crime was committed. \*4
- ☒ AM6/DPA The trial district must be pre-established by law to insure a fair sampling of people in the jury. \*5
- ☒ 186/PC Printing money without lawful authorization is counterfeiting; Congress must punish counterfeiters. \*6
- ☒ 101/TN No state shall set anyone (including Bar Assoc., Esq., Nobility Title, etc.) above the Common Man.
- ☒ 101/TAC No state shall work against the U.S. Constitution with anyone (Bar Assoc., IRS, etc.) to defraud Citizens. \*7
- ☒ 431/NNS No controlling agency (Bar Assoc., IRS) shall be formed (or act) in violation of the U.S. Constitution.  
Art 4 sect 3, clause1 by extending to a foreign country companies that are incorporated and licensed in a state of the United States and therefore an alter ego corporation of the State. \*7
- ☒ 331/TAU No controlling agency shall harass a U.S. Citizen (mixed war/treason).
- ☒ 111/SP Only Congress has the power to make laws. \*8
- ☒ 311/SP Only courts can decide punishments and rewards with regard to the Supreme Law. \*8
- \*4- Economic Imprisonment, Slavery and arrest.
- \*5- State of Washington Federal District
- \*6-Real Property must be properly represented and titled.
- \*7-To defraud Citizens.
- \*8-Violated what the U.S. Congress gave to the Citizens by fraudulently switching from the lawful 1878 CONSTITUTION of Washington to the fraudulent 1889 CONSTITUTION of the STATE OF WASHINGTON.

VII. PROTECTIONS AGAINST GOVERNMENT COMPLETELY CONTROLLING YOUR LIFE (DOMINATION)

- ☒ 193/BA No person or group can make a law, judge on it, AND punish under it (this takes away ALL rights) by putting all property under arrest. \*9
- ☒ 101/BA No state shall allow any person or group to make a law, judge on it, AND punish under it. \*9
- \*9-Bill of Pains and Penalties, 1889 CONSTITUTION of the STATE OF WASHINGTON.

VIII. GUARANTEES THAT IF SOMETHING IS WRONG, YOUR GOVERNMENT MUST DO SOMETHING

- ☒ AM14.1/CUS All persons born or naturalized in the U.S. are citizens and protected by the U.S. Constitution.
- ☒ AM14.4/PDQ Taxes (public debt) spent for unlawful purposes may be questioned.
- ☒ 197/N UW No money may be withdrawn from the Public Treasury for unlawful purposes and no unlawful deposits (unconstitutional land taxes)
- ☒ AM16/TX Congress has the power to lay and collect taxes only for lawful purposes. \*10
- ☒ AM5/JC No one shall give up or lose anything (taxes) for public gain without fair compensation.
- ☒ AM1/PA, RG I may assemble peaceably with others to ask the Government to protect my rights.
- ☒ AM9/ER All rights belong to the people: some are stated, some are not.
- ☒ AM10/PR All government power comes from the consent of the people governed.
- ☒ AM5/DP No person shall be deprived of anything without a fair trial of peers based on Constitutional law.
- ☒ AM14/DP No state shall deprive anyone of anything without a fair trial of peers based on Constitutional law.
- ☒ 441/GRG The U.S. guarantees a system of laws to protect the majority AND minority.
- ☒ 612/SL "This Constitution is the Supreme Law of the Land."
- ☒ 613/BO All law makers, court officials, and enforcement officers are bound by oath to the U.S. Constitution.
- ☒ 612/JB All judges are bound by oath to support the United States Constitution.
- ☒ 441/PAI The U.S. will protect every U.S. Citizen against any attack upon themselves or their rights.
- ☒ 441/PADV The U.S. will protect every U.S. Citizen against local attack upon themselves or their rights.
- ☒ AM14.3/HO, IR No person shall hold office if he rebels against or violates the U.S. Constitution (treason).
- ☒ 441/GRG United States shall guarantee to every state in the Union a Republican Form of Government
- \*10-State must adhere to this uniformly (personal and public)

THEREFORE, the Court shall judge according to 16 AM JUR 2D 177, 178.

- ☒ 321/JUC The Court's power shall extend into all cases involving the U.S. Constitution or any laws made under it.
- ☒ 321/JUP The Court's power shall extend to any case involving the United States as a party.

CRIMINAL COMPLAINT [Cont.]

16 Am Jur 2d, Sec 177 late 2d, Sec 256:

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.

NOTE: MARK THE FOLLOWING APPROPRIATE ITEMS – HOWEVER DO NOT COUNT THESE IN THE FINAL LEDGER

X. PUNISHMENTS PROVIDED FOR CORRUPT PEOPLE IN OFFICE, DRAWING PUBLIC FUNDS

- X 161/CS Members of House and Senate will be paid with public 'funds for service - not disservice.'
- X 311/CS Judges will be paid for their service - but not for disservice.
- X 217/CS The President shall be paid for his service - but not for disservice.
- X AM14.4/OC, IR The United States shall not be bound to finance It's own destruction.
- X AM14.4/OC, V The debt incurred by the U.S. to finance It's own destruction is void.
- X 101/OC No State shall pass any law impairing the obligations of contracts.
- X 231/GX The President shall "take care that the laws be faithfully executed (enforced) ."
- X 231/CO The President gives power to the officers he appoints.

THEREFORE, the Court shall judge according to 16 AM JUR 2D 177, 178.

- X 311/GB All judges may only hold office during their good behavior (lawful, patient, dignified, courteous, etc.).
- X 612/JB All judges are bound by oath to support the lawful Constitution for the United States of America.
- X 613/BO All law makers, court officials, & enforcement officers are bound by oath to the lawful U.S. Constitution.
- X AM14.3/HO, IR No person shall hold office if he rebels against, or violates the lawful U.S. Constitution.

OTHER:

THEREFORE, the Court shall punish the defendant(s) for fraud (drawing a wage for disservice) and misprision (mis-use of public office or contempt against the U.S. Constitution, the Supreme Law of the Land).

CRIMINAL COMPLAINT [Cont.]

THIS SIMPLIFIES AND CODES U.S. CONSTITUTIONAL LAWS AS SHOWN FOR BETTER AND MORE COMPLETE UNDERSTANDING FOR ALL. (SEE NEXT BOX)		101/OC – <u>O</u> bligation of <u>C</u> ontracts Clause 1 Section 10 Article 1 AM14.1/EP – <u>E</u> qual <u>P</u> rotection Section 1 Amendment 14	
REF	TITLE	REF	TITLE
111/SP	Separation (of) Powers	441/PADV	Protect Against Domestic Violence
136/STI	Senate Tries Impeachment	612/SL	Supreme Law of land
136/SCI	Senate Convict Impeachment	612/JB	Judges Bound by oath
137/JI	Judgment Impeachment	613/BO	All Bound by Oath
137/LSL	Liable, Subject to Law	AM1/FR	Freedom of Religion
153/HJP	House Journal Proceedings	AM1/FERB	Freedom to Establish Religious Basis
185/CM, VM	Coin Money, Value Money	AM1/FERI	Freedom to Est. Religious Institute
186/PC	Punish Counterfeiting	AM1/FXR	Freedom to Exercise Religion
189/CT	Constitute Tribunals	AM1/FS	Freedom of Speech
180/SP	Separation of Powers	AM1/FP	Freedom of Press
192/HC	Habeas Corpus	AM1/PA	Peaceful Assembly
193/BA	Bill of Attainder	AM1/RG	Redress Grievances
193/XL	Ex post facto Law	AM2/KBA	Keep and Bear Arms
101/TAC	Treaties, Alliance, Confederation	AM3/QS	Quartering Soldiers
101/LMR	Letters of Marque and Reprisal	AM4/PS	People Secure
101/CM	Coin Money	AM4/W, PC	Warrant, Probable Cause
101/EBC	Emit Bills of Credit	AM5/IND	Indictment
101/GS, TD	Gold / Silver Tender Debt payment	AM5/DJ	Double Jeopardy
101/BA	Bill of Attainder	AM5/WAH	Witness Against Himself
101/XL	Ex post facto Law	AM5/DP	Due Process
101/OC	Obligation of Contracts	AM5/JC	Just Compensation
101/TN	Title of Nobility	AM6/ST	Speedy Trial
211/SP	Separation of Powers	AM6/PT	Public Trial
217/CS	Compensation of Service	AM6/IJT	Impartial Jury Trial
218/OATH	Oath of president	AM6/TWC	Trial Wherein Committed
221/ROW	Require Opinion in Writing	AM6/DPA	District Previously Ascertained
221/GRP	Grant Reprieves and Pardons	AM6/INFO	Information
222/AJ	Appoint Judges	AM6/WA	Witness Against
222/AO	Appoint Officers	AM6/WF	Witness in Favor
222/AOL	Appoint Officers by Law	AM6/AC	Assistance of Counsel
222/AV	Appointment Vested	AM7/JT	Jury Trial
231/GX	Guarantee Execution	AM7/FX	Facts Examined
231/CO	Commission Officers	AM8/XB	Excessive Bail
241/IMP	Impeachment	AM8/XF	Excessive Fine
311/SP	Separation of Powers	AM8/CP	Cruel Punishment
311/GB	Good Behavior	AM8/UP	Unusual Punishment
311/CS	Compensation of Service	AM9/ER	Enumeration of Rights
321/JUC	Judicial Power U.S. Constitution	AM10/PR	Powers Reserved
321/JUP	Judicial Power when U.S. is a Party	AM11/JUC	Judicial power / U.S. Constitution
322/SCA	Supreme Court Appeal	AM13.1/S, IS	Slavery, Involuntary Servitude
323/JT	Jury Trial	AM14.1/CUS	Citizens of the U.S.
323/TIS	Trial In State	AM14.1/CP, CI	Citizens privileges, Citizens Immunities
331/TAU	Treason Against U.S.	Am14.1/DP	Due Process
331/TC	Treason Conviction	AM14.1/EP	Equal Protection of the law
332/TP	Treason Punishment	AM14.3/HO, IR	Hold Office, Insurrection/Rebellion
411/ARP	Acts, Records and Proceedings	AM14.3/RD	Remove Disability
411/CPE	Congress Prescribes Effect of acts, records and proceedings	AM14.4/PDQ	Public Debt Questioned
421/UP, UI	Uniform Privileges, Uniform Immunities	AM14.4/OC, IR	Obligation of Contracts, Insurrection/Rebellion
431/NNS	No New State	AM14.4/OC, V	Obligation of Contracts
441/GRG	Guarantee Republican Govt.	Am16/TX	Claims void Tax
441/PAI	Protect Against Invasion	AM24/VPT	Vote - Pay Tax

## CRIMINAL COMPLAINT [Cont.]

**[5] EXHIBITS****Supporting Evidence**

Note: All of the following certified documents can be obtained from either the Washington State Archives, located in Olympia, Washington or the National Archives located in Washington D.C. If for any reason that an investigator cannot locate any of the above documents, David A. Darby has certified copies of the certified documents that are listed below on file and are available for viewing and copying for a fee.

This is the timeline and the list of evidence of the 1889 Constitutional Fraud and the documents that prove that the fraud exists. If for any reason the State archives in Olympia cannot find their documents, I have certified copies of all the documents listed below and they can be provided for the price of copying.

1. September 3rd, 1783 AD Treaty of Paris: The King of England recognizes the sovereignty of the new States and the sovereign people of the original 13 states. This document is located at the National Archives in Washington DC.

2. September 17th, 1787 AD The Constitution for the United States of America: was finished and ready to be voted upon. This document is located at the National Archives in Washington, DC.

3. August 3rd, 1878 AD The journal for the constitutional convention held in the town of Walla Walla is signed and dated: This Constitution and Journal was then submitted to the Governor. This document is located at the Olympia archives.

4. August 3rd, 1878 AD. The lawful 1878 CONSTITUTION of the State of Washington was signed by the Governor: This document is located at the Olympia Archives.

5. November 5th 1878 AD Abstract of the election returns of the general elections held in the Territory of Washington including acceptance of the 1878 constitutional contract with the people: This document is located at the Olympia Archives.

6. December 3rd 1888 AD. 50th Congress 2nd session, Act to give instruction to the Dakotas, Montana, Territory of Washington to present constitutions to the congress to show republican form of government: Washington was exempt from producing one. This was due to the fact that the lawful 1878 CONSTITUTION of the State of Washington, proving that Washington Territory had a republican form of government, which had already been accepted by the sovereign free men of Washington Territory, was in place and ready to be presented to the United States Congress. The Washington Territorial government officials unlawfully proceeded to produce the 1889 CONSTITUTION, which did not guarantee personal sovereignty, title to the land and common law as the law of the State. This document is located at the National Archives in Washington DC and Olympia, Washington.

7. January 3rd, 1889 AD, Statehood Convention: This was held in Ellensburg by sovereign free man to ratify sending Mr. Voorhees to Washington DC to submit the lawful 1878 CONSTITUTION of the State of Washington to congress to be written into the federal registry. The people took it upon themselves to submit the correct constitution to the U S Congress. This should have been done by the Territorial Governor. As you can see there was a difference between the Territorial Government and the Free people of Washington. Notice that this did not refer to the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON. That



## CRIMINAL COMPLAINT [Cont.]

convention would not even convene until July 4th 1889AD. . This document is located in the Olympia Archives.

8. January 24th, 1889 AD Wilmarth letter to the Territory Governor: Mr. H.C. Wilmarth of the committee for the admission to the United States wrote a letter to the Washington Territorial Governor urgently requesting that he call for a constitutional convention to create another state constitution. Knowing full well that Mr. Voorhees was about to submit the 1878 constitution to congress. . This document is located in the Olympia Archives.

9. January 28th 1889 AD. 50th Congress 2nd session, Misc. Doc. No. 55: Washington Territory's Mr. Voorhees presents the 1878 Constitution to congress of the United States of America, to have the 1878 Constitution of the State of Washington Entered into the United States Congressional Record. This was in defiance to the Territorial Governors' wishes. This document is located at the National Archives in Washington DC.

10. February 22nd 1889 AD Act of congress that creates the State of Washington using the lawful 1878 CONSTITUTION of the State of Washington: Washington is officially a state. . This document is located at the National Archives in Washington DC. The Washington State Supreme Court admitted the occurrence of Statehood on February 22, 1889 in 1936 in Ryan v. State, 188 Wash. 115, 61 P.2d 1276, (Wash. 1936) as follows:

"By the enabling act of Congress, passed Feb 22, 1889, the territory of Washington became The State of Washington. Subject to the limitations and restraints of the Federal Constitution, the state as such, has all the sovereign powers of independent nations over all persons and things within its territorial limits." Citations omitted

11. August 22, 1889 AD The conclusion of a constitutional convention started in July: This constitutional convention was illegally instigated by the territorial governor, Miles Moore. The new constitution among other things removes Article 2 from the constitution. This article, among other things, guarantees that the people retain their individual sovereignty and title to their lands. This document is located at the Archives in Olympia.

12. August 27th 1889 AD Proclamation: This proclamation announces that there will be a special election on October 1st 1889 to vote on a new constitution, knowing full well that Washington already had a Constitution and was already a state. This document is located at the Archives in Olympia.

13. October 1st 1889 AD Ballot for the special election: This document is Located at the Archives in Olympia

14. November 4th 1889 AD Governor Miles Moore sends a copy of the Proposed constitution to the United States of America, not to the Congress of the United States: As we all know, it is common sense that the address has to have an organization such as the House or the Senate. This Constitution was addressed to the United States of America. No one knew where to send it, so it ended up in the archives. Mr. Voorhees had already personally presented the lawful 1878 constitution and the state was formed by the Congress of the United States on the previous February 22 1889. If Territorial Governor Miles Moore had done the same thing with the fraudulent constitution, the congress would have taken notice and asked if the previous constitutional contract was correctly voided. This was a major cover up that has affected the ignorant sovereign people of the original State of Washington. This was clearly a fraud to the

## CRIMINAL COMPLAINT [Cont.]

people of the State of Washington that has been allowed to stand for over 100 years. This document is located at the Archives in Olympia.

15. November 11th 1889 AD President Harrison proclaims Washington a State. This document is located at the Archives in Olympia.

16. November 11th 1889 AD Governor Miles Moore fraudulently declares Washington a State: We had already been a state since February 22nd 1889, why did he not declare Washington a state as of February 22, 1889 as the president of the United States expressed in his letter. This document is located at the Archives in Olympia.

17. January 2nd 2007 AD Greg Kimsey's oath of office: Greg Kimsey pledges an oath to the unlawful FEDERAL CORPORATION'S Constitution of the United States and the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON instead of the lawful Constitutions for the United States and the State of Washington. This document is located in the Clark County Auditors office.

18. April 28th 2009 AD Response letter from Greg Kimsey. Denying that the lawful 1878 Constitution was the Constitution used to give statehood to Washington. This document is located in Greg Kimsey's office and Mr. Darby's office.

19. May 13th 2009 AD Response letter from Greg Kimsey: Greg Kimsey is restating that he believes that the 1889 constitution is the only one to use. This document is located in Greg Kimsey's office and Mr. Darby's office.

20. June 4th 2009 AD Response letter from Greg Kimsey about procedure to not inform the public about updating the land patent: This document is Located in Greg Kimsey's office and Mr. Darby's office.

21. July 10th 2009 AD Response telling David Darby to go to court: If I, David A. Darby want any action from him, I have to take this to court. This document is located in Greg Kimsey's office and Mr. Darby's office.

22. The following is evidence that the unlawful STATE OF WASHINGTON is still operating as a territory, and an instrumentality of the CORPORATE UNITED STATES. To the best of plaintiff's knowledge, information and belief, the State of Washington Constitution was published in the congressional record (See item 9 above). The lawful 1878 CONSTITUTION of the State of Washington was entered into the Congressional Record, on January 28, 1889 by order of Congress dated January 14, 1889, Senate and House Bill 185. The Enabling Act admitted Washington into the union on February 22, 1889 and therefore pursuant to the schedule, on the Tuesday next succeeding the sixth Monday, the territorial legislature was to be replaced by the State. **This was clearly not done.** The fraud of the 1889 CONSTITUTION had begun. The officials in the Territorial government acted criminally by not using the lawful 1878 CONSTITUTION of the State of Washington. The officials of the Territorial government unlawfully replaced the lawful 1878 CONSTITUTION of the State of Washington with the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON that became the basis of law and gave power to the CORPORATION OF THE STATE OF WASHINGTON having the **Dun and Bradstreet #: 07-924-8936**

The State Supreme Court admitted the occurrence of Statehood on February 22, 1889 in 1936 in Ryan v. State, 188 Wash. 115, 61 P.2d 1276, (Wash. 1936) as follows:

### CRIMINAL COMPLAINT [Cont.]

"By the enabling act of Congress, passed Feb 22, 1889, the territory of Washington became The State of Washington. Subject to the limitations and restraints of the Federal Constitution, the state as such, has all the sovereign powers of independent nations over all persons and things within its territorial limits." Citations omitted. This is an admission of the Supreme Court of WASHINGTON STATE that the State of Washington existed nine months before the 1889 CONSTITUTION OF THE STATE OF WASHINGTON was fraudulently voted upon.

It should be noted that as of Feb 22, 1889, the only lawful Convention held in which a lawful Constitution had been drafted, was held in Walla Walla in 1878. An actual election of officers by the State under lawful process was not begun, and has yet to occur. The Plaintiff has searched diligently for such an election and found that no such election has ever taken place. It is now time to have that lawful election according to the lawful 1878 CONSTITUTION of the State of Washington. Only the sovereign electors of the State of Washington can accomplish this election.

In Higgins v. Salewsky, 17 Wn App, 207, (1977) the court held, "[f]ull and conclusive proof is not required where a party has the burden of proving a negative, but it is necessary that the proof be at least sufficient to render the existence of the negative probable, or to create a fair and reasonable presumption of the negative until the contrary is shown." All public functionaries must now make their showing or forever keep silent.

Clearly, without the constitutionally mandated election, the Sovereign People of The State of Washington were left with a Defacto government. The present government is in point of fact, the remnants of the territorial government / Federal instrumentality, acting to fulfill state functions. The term "State" was construed to mean "Territory" by an unauthorized act. (Session laws 1889, p. 94) In some federal statutes, the term "state" will be construed to include a territory however, "A state is a legal entity, which can function only through its lawful officers and agents or other duly lawfully constituted and qualified authorities." AM Jur "States etc." Section 2. Thus the act at page 94 of the 1889 / 1890 Session Law was a dishonorable pretense of political officials acting criminally and pretending to create a state government, a defacto false government, while secretly suppressing the lawful 1878 Constitutional, a de jure government.

Where no law is used to create something, the thing, even though it imitates reality, does not exist in fact or in law. Fictions of law follow the law, therefore no law, no fiction, and the color of law follows fictions, therefore no fiction no color.

Thus, where there is no de jure or lawful state, there can be no defacto state offices. Even under a benefit of doubt of the state's lawful existence, while the Law does allow an officer defacto, the law does not recognize an office defacto. "Under a lawful constitutional government such as ours, there can be no such thing as an office de facto, as distinguished from an officer de facto. Hence, the general rule that the acts of an officer de facto are valid has no application where the office itself does not exist." It is possible to fill, in fact, an office that does not rightly belong to you, yet it is not possible to in fact fill a non-office. If the members of the now deceased territory, in an unlawful manner did in fact occupy the seats of the State,

**CRIMINAL COMPLAINT [Cont.]**

then in order for the acts of the defacto State Officers to be valid, they would need to conform to the lawful requirements of the lawful 1878 CONSTITUTION of the State of Washington.

It should be addressed at this point that in 1889, a convention was convened in violation of the provisions of the Walla Walla constitution, (SEE 1878 CONSTITUTION of the State of Washington) at Art. XVI, Section 2. The Walla Walla Constitution provided a process to call another convention. This process was not followed by the second convention of July 1889, and for this reason, the unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON is a nullity. The original 1878 CONSTITUTION of the State of Washington was never lawfully cancelled by the sovereign people as mentioned in Article II, Section 3, of the Walla Walla Constitution; therefore all the rules of convening another constitutional convention must be followed. It must also be remembered that the 1889 convention did not produce the constitution that admitted Washington into the Union (US Senate and House Bill 185). The Walla Walla Constitution is the only lawful constitution that gained Washington admittance to the union of the several states of the United States of America.

Based upon the premise that the present government is at best defacto, and at worst does not exist in fact or law, and based upon the premise that defacto officers fill the offices of the 1889 Constitution, then their acts are valid only if they would have been valid, had they held an office de jure. Based upon the premise that a defacto officer, and a de jure officer, have this in common, the office itself must lawfully exist. In contrast, a defacto office does not exist and can do no act at all. That would be the unlawful usurping 1889/90 legislature pretending to create a fiction called the STATE OF WASHINGTON, and then having been previously elected by elections held by the fiction STATE OF WASHINGTON, they now being the body politic of nothing.

In order to prosecute in fact on the People's behalf, the style of process must conform to the process required by law. As a territory, the style of process was "Territory of Washington." Upon statehood, the actions commenced by the territory were required to be prosecuted in the name of the State. See the 1878 Walla Walla constitution, Article VIII, Section 14, of the Schedule. The process of the State is to be "The People of the State of Washington," Article VIII, Section 17, [state constitution published in the Federal Register]. There was and is a continuing fraudulent attempt to replace "state" with "territory," and continue the territorial process, possibly under the theory of the second unlawful 1889 CONSTITUTION OF THE STATE OF WASHINGTON at Article XXVII, Section 1. Once again, if there is a claim by government officials to an office in fact, the actions of such officer defacto must comply with the law. If government officials claim a territorial office, it is a claim to an office defacto, and has no basis in law. If he claims to be a defacto officer, then he must prosecute all actions by the lawful Constitutional mandated style of process, or show cause why the second unlawful state Constitution supersedes the prior one.

See: CIVIL COMPLAINT, David A. Darby v. Greg Kimsey, Case: 2:10cv00053 Filed in the 10<sup>th</sup> District Federal Court in Salt Lake City. Assigned Date: 1/25/2010 to Magistrate Judge Paul M. Warner. The court dismissed the case for lack of Jurisdiction.



CRIMINAL COMPLAINT INDEX OF CITES

[6] CERTIFICATION

I certify under penalties of perjury that I have grounds to, and do believe that the above accused person(s) committed the above offense(s) contrary to law, and by the authority of the United States Constitution and the mandates of Title 18, section 4, I do hereby declare same to be subject to Citizen's Arrest, the actual physical arrest to be by the U.S. Marshall. In the event that, I David A. Darby, am unable to execute this instrument, then the task falls to my assigns.

I certify that the foregoing is true, correct, complete and not misleading to the best of my knowledge so help me GOD.

Sign Here: [Signature] Date: 12/12/11 AD ☐

Sign Here: \_\_\_\_\_ Date: \_\_\_\_\_ AD ☐

[STATE] Washington ) s.s.:  
[COUNTY] Clark )

On this 12 day of December, 20 11, the above signatory personally appears before me with picture ID and executes the forgoing instrument acknowledging it to be his free act and deed.

[Signature] My Commission Expires: MAY 26, 2013  
Notary Public



Send One copy each to:  
Court Clerk (for judge), Prosecuting Attorney or United States Attorney, Defendant(s)/Accused, Accuser(s), and others as necessary.

Received by:  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Notice to all concerned parties including Credit/Bonding Companies:  
The Commercial Value of this complaint is **\$15,600,000.00**  
Formula: (Total Constitutional Violations X \$10,000)) X (Total Lien Debtors) = \$ Value

Constitutional Violations for Lien Debtor Judges = 57, and for Lien Debtor Not Judges = 55, at \$10,000.00 per count, equals \$570,000.00 per Judge lien debtor and \$550,000.00 per Not Judge lien debtor, multiplied by the total number of elected and not elected Lien Debtors. Lien Debtor Judges = 10 with Total Value \$5,700,000.00. Total Lien Debtors Not Judges = 18 = with Total Value of \$9,900,000.00. The Total Value of this Commercial Lien is \$15,600,000.00 and will accrue annual interest at 12% once the 90 day time limit expires. Note: These values may change as other defendant lien debtors are identified. 95% of all money collected will be used for the benefit of the people of the state of Washington.

## CRIMINAL COMPLAINT INDEX OF CITES

**[7] PUBLIC WITNESS****General Statement Against the Accused ----- Summary**

The above defendants have had access to the records proving that most property in this state is covered by a lawful United States of America Land Patent, signed by the President of the United States of America. No state, person and/or public official has the authority to disregard these titles, as covered in Article 1, section 10 of the lawful 1787 Constitution for the United States of America.

The officers in the CORPORATE GOVERNMENT of the counties, state, and federal have chosen to continue the fraud or they have gone along with the continued theft of property against themselves and the sovereigns of this State. The maxim of law used by government organizations is that ignorance of the law is no excuse. If this can be used against citizens, who are uninformed about the law, then, obviously, it can be used against government officials just as easily, whose job requires them to know the law and to properly apply the law.

The law applies to everyone. This applies equally to the fact that there is a lawful 1878 CONSTITUTION of the State of Washington, and it is in fact the supreme law of the State of Washington, in so far as it stands subordinate to the lawful 1787 Constitution for United States, the supreme law of the land (Country). All the above accused defendants have chosen to not follow his/her oath of office to protect and serve the sovereign people of Clark County and/or the State of Washington.

**All of the Accused Defendants can avoid the consequences of this document and by performing the action to the law of their Oaths to obey to the lawful 1787 Constitution for the United States of America and to obey the lawful 1878 CONSTITUTION of the State of Washington** and by fulfilling the actions as prescribed for them therein. It has already been admitted in the Supreme Court of the State of Washington, that code is not law, (Parosa v Tacoma 1960), therefore we sovereigns have to stand up in mass and demand that the supreme law of the Land and of the State be followed to the letter. The defendants both named and unnamed must adhere to the lawful principles of Sovereign allodial title to the land and the sovereignty of the people. Lands that are titled by sovereigns are not lienable by government, taxable by government, or under the jurisdiction of government. This is a right that only a sovereign can claim.

If one desires to remain a corporate citizen and not claim their true, correct, and complete status as a sovereign, so be it. However, they are still fully obligated to protect the rights of the sovereign. The rights of the Sovereign free man must be protected for all of us.

**We are initially all sovereigns.** We, as sovereigns, choose to claim, assert, and exercise our sovereignty, by standing against those who, by brute force and fraudulent contracts, would try to take and keep our lawful, Constitutionally protected sovereignty from us.

## CRIMINAL COMPLAINT INDEX OF CITES

### [8] Appendix

#### **[8A-1] Recognition of Sovereign Responsibility (opinions expressed by Sovereign Plaintiff...)**

As one resumes his/her sovereign status and receives allodial title to their land, he / she must accept the responsibility that comes with sovereign status. The question that will be asked by each sovereign will be, "How do we keep county services funded if titled land does not pay property tax?"

This question can be answered in different ways including:

- User fees may be charged to each sovereign for any service used that is provided by the county or private enterprise. The county government cannot buy land for any purpose, which is repugnant to the lawful 1878 CONSTITUTION of the State of Washington. Therefore, all vacant county land will be sold.

A Primary concern is fire protection for all of the buildings in the county.

- One way this can be accomplished is a fully volunteer rural fire department. Volunteer rural fire departments work very well and are cost effective to everyone. The people in each fire area would get together and decide how much protection is needed and fund it by a user fee much like cable TV or telephone. If the people in the area want a fully manned fire station in their area then they all get together and decide what each family will pay for the service, and this is then voted upon by the whole area. The sovereigns own all the equipment and station not the county.
- Another way to take care of Fire Department services is to privatize the fire department with county oversight.

A Second concern is the funding for the elected county sheriff. This may be decided by a vote of the people. The people decide on how much to pay for the services of the Sheriff's Department. The actual deputies can be supplied by the county as county employees or they can be contracted privately, each with civilian oversight. The sovereigns will have an active role in determining what the specific duties will be and how much it will be worth to have those services. It can then be put out for bid with the parameters of their job as the conditions of the bid. There are certain civil and criminal functions that must be carried out by the Sheriff's Department. Any other duties that the people deem necessary may be part of the contract.

The building department will be there for help and advice in answering questions as to safety of the design of structures. They are not there to sell building permits because a titled sovereign does not need to have permission to build a structure on his/her titled land.

This will start another private business within the county for bonded private building inspectors who will evaluate a house for sale and give a report to the prospective buyer as to the sturdiness of the structure. The inspectors will have to be bonded for errors that might be made when the inspection is performed. This is actually better than the system that we have today.

The county is never responsible for any mistakes they make during the building process. This will eliminate the whole building and code enforcement department. The savings in this

## CRIMINAL COMPLAINT INDEX OF CITES

department alone will help balance the county budget.

Now let us discuss our most important asset of the county which is the children. Schools will be put back in to the hands of the parents and taken away from the state and the federal governments. We are now wasting almost half of our school dollars for indoctrination programs and the administration we have running them. We need to get back to reading, writing, arithmetic, history including the lawful constitution and critical thinking.

We cannot afford all the feel good programs that the state and federal governments force upon us, that are used by unlawful government to unlawfully indoctrinate and steal the minds of our children. Our parents should be the greatest influence in a child's life. We have to return this influence to the parents and give them the tools to teach sovereignty and love of country to their own children.

Next we start the funding of the schools with user fees that are established by the sovereigns of the school area. If that is not enough for a slimmed down school system, we cut out any thing that is not important and look at the budget again.

It is time for the PTA to take back the schools. It is time to get rid of expensive 6 figure salaried superintendents and bureaucracy. It is time to put the principals back in charge of their schools and make the teacher the most important part of the equation. We are sovereigns and there is no problem too large that we cannot solve ourselves. We do not need a tyrannical government forcing their will upon the parents of the school systems. Parents must be in charge. They are the ones that see firsthand what their children need. The parents know who the good teachers are and which teachers know how to motivate each child. Restoring the open classroom for multiple grades allows the children to learn how to become leaders. Magna Schools in the state of Utah are a good example of this.

The current school systems are designed to numb and dumb down the children and indoctrinate them while stripping away their self worth, self-esteem and self-image for the purpose of managing the populous. Children have much more capacity and potential than they are being taught as evidenced in many other countries. Our education system is ranked far too low, given the available funding and technology.

Again, I stress self-responsibility for all sovereigns!

Further it is time to bring back proper discipline into the schools in order to teach proper self responsibility to our future leaders unlike the very leaders we have now!

**Our forefathers fought and died for these rights that we have been defrauded of due to greed. It is this greed that has all but destroyed this great country and has now forced the sovereigns to step forward and take action or risk losing this great nation forever.**



# Exhibit 2.

## AFFIDAVIT of REBUTTAL and DEMAND OF ACCESS TO A PUBLIC GRAND JURY

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To: Benjamin Settle  
Ninth District Federal Judge  
United States Courthouse  
1717 Pacific Avenue, Room 3100  
Tacoma, WA  
98402-3200

CC To:  
Fort Lewis Judge Advocate General  
Col. Kercher  
Fort Lewis, Washington

McCord Judge Advocate General  
67<sup>th</sup> Air Lift Wing  
Lt. Col. Tiffany Dawson  
McCord Air Force Base, Washington

9<sup>th</sup> District Judge Robert J. Bryan  
9<sup>th</sup> District Judge Ronald B. Leighton  
9<sup>th</sup> District Chief Magistrate Judge Karen L. Strombom  
9<sup>th</sup> District Magistrate Judge J. Richard Creatura  
United States Courthouse  
1717 Pacific Avenue, Room 3100  
Tacoma, WA 98402-3200  
Others not listed, including all defendants listed on the Criminal Complaint

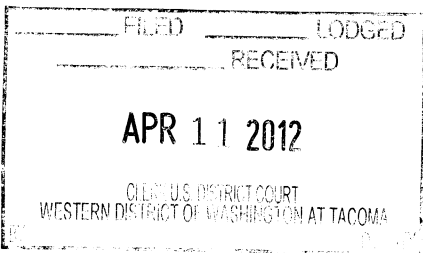
From: David A. Darby  
Flesh and Blood Sovereign Free man  
PO Box 772  
Amboy, Washington  
Zip Exempt, Non Domestic Non Federal District, Non Federal Employee

April 2, 2012

Subject: RE: Letter of Dismissal CASE NO. 12-MC-5000BHS Dated 10<sup>th</sup> of February, 2012.

Attention Judge Settle, be advised:

**IN THE PUBLIC COURT OF THE UNITED STATES OF AMERICA – THIS IS  
A FIRST AMENDMENT DEMAND ACCESSING A PUBLIC GRAND JURY  
AND AN  
AFFIDAVIT OF PUBLIC REBUTTAL OF ORDER DISMISSING COMPLAINT**



I, David A. Darby, **DEMAND**<sup>[1]</sup>, pursuant to **MANDATORY 18 USC 4** and the **First Amendment Right to Petition the Government for a Redress of Grievances**, that I be granted the opportunity to present, before the civil and criminal authority<sup>[2]</sup> known as the United States Grand Jury<sup>[3]</sup>, a Criminal Complaint by Affidavit reporting an infamous crime.

The specific purpose of this appearance, to testify before the Grand Jury, is to obtain a **PRESENTMENT** from that Grand Jury, to cause a prosecution of the Defendants named in the said Criminal Complaint.

[1] I use the word “DEMAND” because both the public and I are flesh-and-blood Defendant parties, NOT corporate fictions, injured by the said infamous crime.

[2] civil and criminal authority, or, if necessary, before the U.S. Military - see 18 USC 4.

[3] the Grand Jury of the 9<sup>th</sup> U.S. District for the District of Washington, at Tacoma.

On January 4, 2012, I, David A. Darby, filed a fifty-three page Criminal Complaint, against numerous Washington State officers and judges pursuant to 18 USC 4, despite the hazard of retaliation.

I filed the said Criminal Complaint with the United States Federal Court, 9<sup>th</sup> District Located at Tacoma, Washington, at CASE NO.12-MC-5000BHS.

I filed the said Criminal Complaint as an Affidavit of Accusation given under Oath, to the United States Government.

The Criminal Complaint should have been presented to the Grand Jury by the Judge that received the Criminal Complaint, Judge Benjamin H. Settle.

On February 10, 2012, United States District Court Judge Benjamin H. Settle unlawfully summarily dismissed my Criminal Complaint. Judge Settle ended his dismissal ruling by stating:

**ORDER: Page 2 Lines 11 -13:**

**Quote:** “Therefore, it is hereby ORDERED that Darby’s complaint is DISMISSED and this case shall be closed. DATED this 10<sup>th</sup> day of February, 2012.”

[A copy of his two-page ORDER DISMISSING COMPLAINT is attached / annexed to this instrument as Exhibit 1.]

The ORDER DISMISSING COMPLAINT will be used as the basis of a point-for-point rebuttal of the ORDER, in this case a mirror brief.

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**The Rebuttal**

**A Rebuttal of the ORDER DISMISSING COMPLAINT**

The ORDER DISMISSING COMPLAINT hereinafter referred to as ORDER, will be used as the basis of this point-for-point rebuttal of the ORDER, in this case a mirror brief.

**ORDER - Page 1 Lines 1-10**

**Quote:** The Heading. Setting:  
DAVID A. DARBY, Plaintiff, v. GREG KIMSEY, et al., Defendants.  
CASE NO. 12-MC-5000BHS

**COMMENT:** This comment will be postponed until it is relevant. (See – Page 15)

**ORDER: - Page 1 Lines 11-13**

**Quote:** Judge Settle: “This matter comes before the Court *sua sponte* on review of Plaintiff David A. Darby’s (“Darby”) complaint (Dkt.1).”

**COMMENT:** “sua sponte” means, “of his or its own will or motion; voluntarily; without prompting or suggestion.” - Black’s Law Dictionary

This was not a “review”; it was a summary trial.  
Further comment will be postponed until it is relevant. (See – Page 16)

**ORDER - Page 1 Lines 14-16:**

**Quote:** Judge Settle: “On January 4, 2012, Darby filed a fifty-three page “criminal” complaint against numerous Washington State officers and judges, including all justices of the Washington Supreme Court. Dkt. 1.”

**COMMENT:** True. Further comment will be postponed. (See – Page 16)

**The Crime**

The original and infamous crime committed against all of the sovereign natural born citizens of the State of Washington in 1889 was the substitution of the fraudulent 1889 Washington State Constitution for the lawful original 1878 Washington State Constitution that is recognized in the Congressional record of the United States in

1 Statutes at large dated: January 28<sup>th</sup> 1889, of the 50<sup>th</sup> Congress, 2<sup>nd</sup> Session, Senate  
2 Miscellaneous Document Number 55.

3 Nothing can be found in the United States Congressional Record that the 1889  
4 Constitution of Washington State was ever submitted for the approval of the United  
5 States Congress.

6 The crime perpetuated by Washington State politicians since that time, even if  
7 only by ignorance, has had far reaching effects of fraud in today's world. The Criminal  
8 Complaint, which I filed, exposes this fraud.

9

10 **ORDER:** – Page 1 Lines 16 – 18:

11 **Quote:** Judge Settle: “Although the complaint is mostly incomprehensible, it appears that  
12 Darby alleges that these state actors have conspired to deprive Darby of his sovereignty  
13 and sovereign property rights.”

14 **COMMENT:** Issues: “incomprehensible”, “sovereignty”, “sovereign property rights”:

15

16

“incomprehensible”

17

“too much information”

18

19 It is difficult to comprehend the need for a complaint that accuses so many  
20 people.

21 Thomas Jefferson well stated the sad truth of the situation in the Declaration of  
22 Independence when he said: “People will suffer evils while evils are sufferable.”

23 The equally sad corollary is: “Politicians will play the political market for  
24 whatever the political market will bear, while they perceive it to be in their immediate  
25 best interest.”

26 When an individual brings forward a complaint to our present day politicians  
27 about a crime of this magnitude with its current effect on the private ownership of land  
28 and the consequent unlawful taxation of the private land in the State, their minds slip into  
29 denial of the crime because it is too much information for the mind to handle at one  
30 time.

31 The problem is not simple to correct, the sanctity of their office is at stake, they  
32 do not want to change anything or “rock the boat” by doing something which will anger  
33 politically powerful people above them in rank and therefore jeopardize their own job, do  
34 anything which might change the tax base of their paycheck, or work too hard to earn  
35 their paycheck. Their terror at, or dislike of, the situation is clearly understandable.



1 But procrastination becomes the thief of time, property, freedom, liberty, and peace.

2 And so, **Judge Settle said, "...the complaint is mostly incomprehensible..."**

3

4 My Criminal Complaint is naturally lengthy because of the 133 YEAR history of  
5 the issue from the time of the commission of the original crime in 1889, and its effect  
6 throughout the years, up to the present time 2012. I provide an abundance of historical  
7 and legal information in support of the Criminal Complaint. I explain to each accused  
8 person, that I have made them a Defendant party because they voluntarily chose to be a  
9 party, to serve the public as a responsible compensated servant, a public servant knowing,  
10 and fully aware, that they must take action without delay or criminal neglect.

11 **The Foundation of Sovereignty and Sovereign Property Rights**

12 Sovereignty belongs only to responsible people. Here are the laws of responsibility.

13

14 **42 USC 1986 – The Brother’s Keeper /Good Samaritan Statute**

15 (The Spirit of the Law – Prevention should be by Reasonable Diligence.)

16 This Criminal Complaint was applied to terminate criminal behavior within the  
17 political system, and prevent future impositions of violations of the “**Peace and Dignity**  
18 of the people and the State” committed by the Defendants and their Accessory  
19 Accomplices, against America, denying the public their legal and lawful Constitutional  
20 remedies.

21

22 **18 USC 4 – The Brother’s Soldier/Civilian – Military Statute**

23 (The Letter of the Law – Prevention shall be by Reasonable Diligence.)

24 This Criminal Complaint was not, and is not, applied for light or transient reasons.  
25 This Criminal Complaint was not, and is not, intended to threaten, harass, hinder, or  
26 obstruct any lawful operations. It was, and is, for the purposes of obtaining lawful  
27 remedy.

28 (18 USC 4 – The Brother’s Soldier/Civilian – Military Statute)

29 I filed the Criminal Complaint to cause both the public and the politicians to give  
30 attention to this problem, and especially to inform the honorable individuals among them,  
31 that, they are empowered, by the law and its criminal process, 18 USC 4, to respond to  
32 the need to correct the current land law, before the situation degenerates into total state-  
33 wide government controlled feudalism, the direction in which it is most certainly going.

34 I have defined **individual sovereignty**, in part, as that economical, legal, political  
35 situation and condition which must exist for an individual, in order for that individual to

be able to stand in opposition to government sponsored feudalism and the consequences of feudalism, which was the old English class system of slavery. Feudalism was enforced by the power of the king and the Parliament, to legislate Bills of Attainder and Bills of Pains and Penalties, both of which are processes prohibited as unlawful by the Constitution for the United States of America at A1, S9, C2 (Article 1 Section 9 Clause 2) and at A1, S10, C1 (Article 1 Section 10 Clause 1) (further abbreviated to 192/BA and 101/ BA, respectively, with a zero being used to denote “section ten”).

I raised the issue of **sovereignty**, in the Criminal Complaint because our forefathers based the original government of the United States of America on anti-feudalism, that is, **individual sovereignty**, and a system of **Constitutionally lawful conscription** in harmony with Article 1 Section 10 Clause 1 and the Fifth Amendment of the **1787 Constitution for the United States of America**, both regarding **Just Compensation**.

#### Two Complaints – Two Sovereignty Issues – Public & Individual

The Criminal Complaint is presented in two ways:

**Firstly**, the Criminal Complaint: was presented to the government of the United States of America, the government which originally granted (contracted) the allodial Land Patent Rights, and was presented in behalf of the interests of the general public -- to protect the allodial Land Patent Rights of all **sovereign** citizens of the states from feudalism and unlawful taxation. The Criminal Complaint was presented by me serving in the public interest as a Proxy for those who have no voice or do not know how to cry out for help. (See Silent Weapons for Quiet Wars, page 8 – Descriptive Introduction of the Silent Weapon “Therefore, they do not know how to cry for help, and do not know how to associate with others to defend themselves against it.” See the Internet.)

**Secondly**, the Criminal Complaint: was presented from and by me personally, a **sovereign free man**; sovereign because I am accepting the responsibility to do this for the public, without a legal representative. I also presented the Criminal Complaint on behalf of my own interests -- to protect my own allodial Land Patent Rights from corporate feudalism and unlawful taxation. This Criminal Complaint, was presented by me, **an individual sovereign free man**, as a directly insulted and injured Plaintiff party of interest. As the wisdom in the Bible says “Physician, heal thyself”. I will not ask any man to do what I will not do, nor will I ask him to conduct a first experiment.

The Judge might think of my effort as grandiose and question my authority to be a Proxy serving in the interest of the public, but my military oath “to defend this Nation

1 and its Constitution against all enemies both foreign and domestic”, enhanced by 18 USC  
2 4 and by my military service already rendered, trump the Judge’s obvious contempt for  
3 me and my attempt to fulfill my oath. My oath once given has never been retracted. No  
4 sovereign with any real sense of responsibility to his state and country has ever thought  
5 of retracting an oath that meant so much in its giving.

6 Under feudalism, the King rewarded the knights with Land Patents and made  
7 them Landlords to guarantee their military service to the king and to his nation. The  
8 Kings gave knights the status of landlords under feudalism as a reward for military  
9 service.

10 Technically pursuant to Title 18 Section 4 of the United States Code (18 USC 4)  
11 the lawful **Jurisdiction and Venue** of this case is military, firstly because the judge by  
12 abdicating his “throne” (his Lawful Responsibilities) defaulted power of the United  
13 States District Court to the United States Military, and, secondly, because the Land Patent  
14 arises from the government’s privilege to conscript citizens to be soldiers of the Military  
15 through the Selective Service. (All roads lead to Rome.) Therefore, the United States of  
16 America is obligated to also protect the land rights of those that serve this nation in times  
17 of war and peace. The Judge in this case, belongs before a courts martial (military court)  
18 for treating a valid (18 USC 4) **Criminal Complaint** with contempt.

19 (See my military arguments listed on Pages 16 & 36 from the **Criminal Complaint.**)

20

21 **The Criminal Complaint**

22

23 The **Criminal Complaint** of this matter before the 9<sup>TH</sup> district court was filed pursuant to  
24 **18 USC 4. Title 18 Section 4 of The United States Code (18 USC 4)** states as follows:

25

26 **Title 18 Section 4 – (18 USC 4) Commission of a Felony**

27 **“Whoever, has knowledge of the actual commission of a felony cognizable by a court**  
28 **of the United States, conceals and does not as soon as possible make known the same**  
29 **to some judge or other person in civil or military authority under the United States,**  
30 **shall be fined under this title or imprisoned not more that three years or both.”**

31 Observe that 18 USC 4 is the surviving evidence of a once honorable  
32 constitutional government. 18 USC 4 is essential to the consistent and reliable operation  
33 of the Civil and Military authority of this Nation and its Justice System, hence the 18 USC  
34 4 phrase “to a judge or other person in civil or military authority”. There is an axiom of  
35 law, long known and often quoted, that “ignorance of the law is no excuse”. This axiom  
36 applies most strictly to government officers and government agents. No officer or agent  
37 of any government in this Nation has the liberty or authority of his/her person or official

1 position to make capricious interpretations of, or infringements of, the fundamental Code,  
2 18 USC 4, or its consequences of duty to act.

3

4 **ORDER:** Judge Settle's ORDER, Page 2 Lines 4, 5, and 6:

5 **Quote:** "In this case, Darby's complaint has no basis in law or fact. First, there is no law  
6 allowing criminal complaints to be filed by private citizens or ..."

7 **COMMENT:** Judge Settle is technically correct in this statement as far as the strict  
8 definition of the word "allowing" is used, but his statement is an attempt to inject a  
9 deception into the mind of the reader to limit the reader's sense of his options, for it is  
10 also true that:

11 "There is no law disallowing criminal complaints to be filed by private citizens."

12 Observe that 18 USC 4 does not allow the filing of criminal Complaints.

13 Observe that 18 USC 4 does not disallow the filing of criminal Complaints.

14 Observe that 18 USC 4 mandates the filing of Criminal Complaints under penalty  
15 of a fine and/or imprisonment for the failure to responsibly file Criminal Complaints.

16 Therefore, pursuant 18 USC 4, 18 USC 241, and 18 USC 242, it is a felony to  
17 interfere with or to retaliate against a person, for the lawful obedience to and exercise of  
18 this statute code.

19 Any attempt on the part of any person to interfere with the due process of a  
20 Criminal Complaint is subject to being added to the Criminal Complaint pursuant to  
21 18 USC 3 as an accessory after the fact, if he/she has interfered with the due process of  
22 the Complaint:

23 by retaliation,

24 by threat of retaliation,

25 by whimsical, capricious, or contemptuous treatment of the Complaint,

26 by unjustified selective prosecution,

27 by failure to prosecute any officer or agent of the government for failure to perform his  
28 duties in a lawful manner.

29 The advantage of the criminal process being pursuant to 18 USC 4 is that, being a  
30 mandatory process, the government cannot charge a filing fee for presenting the Criminal  
31 Complaint or any other legal process required to satisfy 18 USC 4.

32 18 USC 4, 18 USC 241, and 18 USC 242 make it a criminal offense for a United  
33 States Attorney, U.S. Magistrate Judge, U.S. District Judge, U.S. Court Clerk, U.S.  
34 Marshal, or U.S. Military Judge Advocate General (JAG Officer) to refuse to freely  
35 receive a Criminal Complaint for filing, or to refuse to sign or stamp the



1 Plaintiff's/Accuser's copy of the complaint "Received" with date, time, signature or  
2 initial of the receiving Clerk.

3 Therefore, 18 USC 4 is usable by the common public citizen in the filing of  
4 Criminal Complaints against fraudulent, criminal, and/or treasonous, officers and agents  
5 operating unlawfully within or through the government. No Criminal Complaint against  
6 any government officer or any government agent can be dismissed by any government  
7 officer or any government agent without raising the question of a conflict of interest and  
8 a consequent corruption of the judgment, so the expunging of a Criminal Complaint  
9 against a government officer or government agent requires a public judgment by a fully  
10 informed and impartial public jury. This position in law is corollary to Article 3 Section 2  
11 Clause 3 of the Constitution for the United States of America, "The Trial of all Crimes  
12 shall be by Jury."

### 13 Criminal vs. Civil

14 Today, in the United States of America, the Criminal Complaint process is the  
15 only process that works, because judges can dismiss any civil case as frivolous on the  
16 slightest technicality, and the complaining party cannot win because he cannot prevent a  
17 repeat of the same tactic each time he corrects the offending technicality.

18 The court process includes capricious use of contempt charges and Motions in  
19 Limine, which chill or bar the giving of testimony and / or evidence in ones own defense.  
20 This changes a court of law into an inquisition, of the sort that imprisoned Galileo  
21 Galilei, to obtain a prescribed outcome that is sought by the corporate government. This  
22 renders the fully informed Jury Trial non-effective for civilian justice. There is a science  
23 governing social law which includes the obedience of the social scientist to the laws of  
24 nature and civilization. (See Case 2:10cv00053 that was summarily dismissed for lack  
25 of Jurisdiction from the 10<sup>th</sup> District Court, Darby v. Kimsey.)

26 Any Judge interfering with the processing of a Criminal Complaint by dismissing  
27 it as frivolous, is, in fact, acting as a prosecutor and as a one-person jury, and is thereby  
28 dishonoring the Criminal Complaint without lawful cause or findings of fact and  
29 conclusions of law, and without the fully informed hearing of it by a Grand Jury, all in  
30 violation of Article 3, Section 2, Clause 3 of the Constitution for the United States of  
31 America, and is therefore a domestic enemy of the United States of America, acting in  
32 violation of his/her Oath of responsibility to civilian society, to our armed services, and to  
33 the nation, and in violation of the Oath of Military Induction, which is as follows:

34 *"...to support and defend this nation, the United States of America and the*  
35 *Constitution of the United States of America against all enemies, foreign*  
36 *and domestic; that I will bear true faith and allegiance to the same; and*  
37 *that I will obey the orders of the President of the United States and the*  
38 *orders of the officers appointed over me, according to those regulations*

1           *and Uniform Code of Military Justice pursuant to the Constitution of the*  
2           *United States of America. **So help me God!***

3           In principle, The United States of America has a government of the people, by the  
4           people, for the people. The people do labor. The people pay taxes for an external security  
5           system, guaranteed by an honorable military system. The people pay taxes for an internal  
6           security system, guaranteed by an honorable justice system. If these two systems fail to  
7           be honorable, then all that remains to support the existence of this Nation is its people.

8           **Therefore, 18 USC 4** guarantees that the people will always have the right and the  
9           corresponding duty to file Criminal Complaints, by making the filing of a Criminal  
10          Complaint a **MANDATORY ACT**, with **failure to file as grounds for both a fine and**  
11          **imprisonment.**

12          The new civilian weapon against the Silent Weapon System is the default secured  
13          Criminal Complaint, which is a Criminal Complaint backed by a Contingent Commercial  
14          Lien which is activated contingent upon official default by contempt, neglect, and/or  
15          inaction. (see Silent Weapons for Quiet Wars on the Internet)

16          Bonding companies recognize these liens as a valid claim against a government  
17          officer's Performance Bond and Home Owner's Insurance Policy. Pursuant to 42 USC  
18          1994 and 18 USC 1581, the Government must pay for the excessive cost to the citizen for  
19          the public service of mandatory compliance, especially when it is hazardous to file the  
20          Criminal Complaint.

21          The truth is to be found in the Constitution for the United States of America at  
22          Article 1, Section 10, Clause 1, "No state shall pass any law impairing the Obligation of  
23          Contracts". There are more U.S. Supreme Court rulings on this constitutional provision  
24          than any other. This is not at all surprising because it applies to all of the states and to the  
25          United States Government and to all nations of the world. It is the basis of world trade,  
26          and the reason the Constitution, as a binding international trade treaty, was written.

27          A Lien is defined as an Affidavit of Obligation of Contract. Legitimately  
28          established Liens, unchallenged during the first three months of their existence, are said  
29          to be default matured to the rank of an account receivable. Liens unchallenged for three  
30          years on the international money market are said to be seasoned three years, and a solid  
31          asset.

32          Most of the monetary penalty in a criminal process, properly managed, goes to the  
33          public.

34          "Laverne Donald Hollenbeck incorporated The Sheriff's Posse Comitatus in  
35          Oregon, which was established as a public service to help citizens with their legal  
36          problems and to clean up the crooked operation of the local city, county, state, and United  
37          States Courts.

38          They carried corporation badges and identification cards and they had marked cars.

1 Multnomah County was operating under what was called “Home Rule” so instead of a  
 2 Multnomah County Sheriff, they had a Public Safety Director. Hollenbeck was a very  
 3 likeable and logical man, a shrewd strategist, with a military commission from the  
 4 Korean War. The county officials wanted him to surrender the badges of the Sheriff’s  
 5 Posse Comitatus Corporation, but he would not surrender the badges. So, Judge Alfred T.  
 6 Sulmonetti put him into jail. Hollenbeck went on a hunger strike which lasted about 40  
 7 days in the period of November and December of 1976. Hollenbeck had filed three  
 8 Criminal Complaints in connection with his case and personally served them on nearly  
 9 every office at the Capitol of the State of Oregon by the time he was jailed by Judge  
 10 Sulmonetti. The fourth Criminal Complaint was filed while Hollenbeck was in jail on a  
 11 hunger strike.

12

13 The company bonding Multnomah County, Oregon learned of the situation and **Ordered**  
 14 Sulmonetti to release Hollenbeck immediately! Hollenbeck had gone into jail at about  
 15 265 pounds and came out of jail at about 165 pounds. See The Oregonian articles.

16 U.S.A. ex rel/by Laverne Donald Hollenbeck vs. Judge Alfred T. Sulmonetti was valued  
 17 at two million dollars by the company which bonded Multnomah County Oregon.  
 18 Multnomah County would not discharge Judge Sulmonetti, so the company bonding  
 19 Multnomah County terminated the Bond of Multnomah County in January 1977. No  
 20 other bonding company would risk the liability, so, Multnomah County, Portland, Oregon  
 21 had to dip into the public tax coffers to pay off the malpractice suits which they lost. This  
 22 went on for two years, at which time they got caught dipping into the public tax coffers,  
 23 and had to discharge Judge Sulmonetti in order to reestablish their credibility in the  
 24 bonding world. Sulmonetti went to California to become the dean of law school.  
 25 Hollenbeck made one call to the California law school and Sulmmmonetti was immediately  
 26 fired from that job, He returned to the Multnomah County Court and begged a job, and  
 27 got the job of counting parking tickets until the end of his life.” (Source: How to Create  
 28 Currencies for Local Communities 200 pages, by Hartford Van Dyke)

29

### 30 **Organized Crime in Government**

31

32 Organized crime and racketeering conducted by officers and agents within the  
 33 government is extremely profitable.

34

35 The corrupt officers of the corporate government do not want citizens, lawyers, etc., to  
 36 even think about the option of filing Criminal Complaints, because Criminal Complaints  
 37 and the criminal process, correctly applied by the common citizens and honorable  
 38 lawyers would quickly curb the criminal activities within the government, and the

1 criminal use of the public resources of the government, committed by said corrupt  
2 officers.

3  
4 The current corrupt Federal Court problem, requiring a game plan of criminal self-  
5 protection, is as follows:

6 The civilian application of default secured Criminal Complaints, enforceable by  
7 contingent Liens, Liens activated contingent upon official criminal default by criminal  
8 contempt, criminal neglect, and/or criminal inaction filed against government officials  
9 because of their malfeasant criminal use of the courts, and collectable against official  
10 Performance Bonds, can stop the organized criminal use of the courts by corrupt  
11 government officials.

12  
13 The corrupt officers of the corporate government must have a monopoly of the social  
14 power of the courtroom so that they can have the protection of “their own” courts and  
15 court system. To have the protection of that monopoly of power, they must deny to  
16 citizens, lawyers, and common attorneys, the opportunity to file Criminal Complaints.

17  
18 Therefore, corrupt judges must secure the control of the Federal Court for the use of  
19 organized crime, by defeating the citizen’s application of the superior criminal procedure,  
20 the citizen’s application of Criminal Complaints, filed against the malfeasant criminal use  
21 of the courts by corrupt government officials.

22  
23 **ORDER** – Page 1 Lines 23 – 27 and Page 2 Lines 1 – 3, 7 - 9

24 **Quote:** “A federal court may dismiss *sua sponte* pursuant to Fed. R. Civ. P. 12(b)(6)  
25 when it is clear that the plaintiff has not stated a claim upon which relief may be  
26 granted.” Etc. with regard to Civil Filings.

27 **COMMENT:**

28 Judge Settle lies about my Complaint by misrepresentation, by portraying my Criminal  
29 Complaint as a Civil Complaint, by referring to it as a civil process subject to Fed. R.  
30 Civ. P. 12(b)(6), to allow himself to construe my Criminal Complaint to be a Civil  
31 Complaint, so that he can summarily dismiss the newly “Civil-labeled” Complaint as  
32 frivolous, without endangering his Public Performance Bond. We now put this legal  
33 process game into slow motion. The Criminal Complaint is not against the State of  
34 Washington.

35

36 **The Shell Game of a Court System**



1 **Controlled by Organized Crime**

2

3 Let my Criminal Complaint be represented by a green pea.

4 Let Fed. R. Civ. P. 12(b)(6) be represented by a walnut shell.

5 Here is the corrupt court view:

6

7 In a court system controlled by organized crime, Darby must not be allowed to state a  
8 claim using a criminal complaint.

9 This is accomplished by the judge substituting the application (appearance) of the inferior  
10 civil procedure Fed. R. Civ. P. 12(b)(6).

11 This is equivalent to hiding the pea by placing the walnut shell over the pea.

12 Then, wherever the walnut shell goes, to there also the pea will be forced to go.

13 Then the phrase “the plaintiff cannot state a claim upon which relief may be granted by  
14 the use of a criminal complaint” becomes simply “the plaintiff has not stated a claim  
15 upon which relief may be granted.”

16

17 The judge goes on to label the Criminal Complaint as frivolous by saying, “A complaint  
18 is frivolous when it has no arguable basis in law or fact.” which translates, “We won’t  
19 allow him to argue on a criminal issue, so he won’t be allowed to argue any law or fact of  
20 interest to us, so he won’t be allowed to win, so in the end we can declare his complaint  
21 to be frivolous.”

22

23 In support of the judge’s intent to summarily dismiss Darby’s Criminal Complaint, the  
24 Judge quoted from non-legislated court case law “Such a dismissal may be made without  
25 notice where the claimant cannot possibly win relief.” which translates, “We are in  
26 control of the court game, so he cannot possibly win, so we have the power if not the  
27 authority to summarily dismiss his complaint.”

28

29 Judge Settle goes on to say, “Second, Darby cannot possibly win relief in the form of a  
30 commercial lien against the state of Washington for its alleged denial of his sovereignty.”

31 If all the other things that Judge Settle has said were true, then it would have been  
32 unnecessary for him to say anything about the Lien, because those things, if true, would  
33 have rendered the Lien impossible anyway.

34 Therefore, Judge Settle knows that he does not have the authority to dismiss the  
35 commercial lien that will go into effect after the three (3) month (Jewish) / ninety (90)

1 days (statutory) period has passed. Judge Settle has no lawful way to stop a criminal  
 2 complaint without bringing it before a fully informed impartial jury.

3

4 **The Rothschild Banking Empire**

5

6 “The **Rothschild Banking Empire** controls almost all of the fractional reserve (slightly  
 7 backed) money that is loan-laundered into circulation by the major banks in the major  
 8 countries of the world (Bank of England, Bank of France, Bank of Spain, Bank Italy,  
 9 Federal Reserve etc.).

10 **Rothschild’s** world famous statement is: “Give me control of a nation’s money, and I  
 11 care not who makes its laws.”

12 The principal arm of the **Rothschild Banking Empire** in the United States of America is  
 13 the **Federal Reserve Corporation**, with its debt collection arm titled exactly  
 14 “Department of the Treasury” (not the United States Department of the Treasury), also  
 15 known as the **Internal Revenue Service**, and its “charitable” arm, the “Social Security”  
 16 Trust Fund, known as the **Social Security Administration**, or **Social Security Bank**, a  
 17 Ponzi Scheme styled as an insurance system.

18 The **Rothschild Banking Empire** controls all of the fractional reserve (slightly backed)  
 19 money that is loan-laundered into circulation by the **Federal Reserve Corporation**, loan-  
 20 laundered to the Federal Government, loan-laundered into circulation by the banks in the  
 21 UNITED STATES OF AMERICA, and which the **UNITED STATES CONGRESS** and  
 22 the **Social Security Administration** spend-launder into circulation , so the **Federal Reserve**  
 23 **Corporation** is the seat of all of the fractional reserve money which is laundered into  
 24 circulation in every state of the UNITED STATES, and which therefore makes the  
 25 **Federal Government** an alter ego corporation of the **Federal Reserve Corporation**, and  
 26 makes each and every state government a satellite alter ego corporation of the corporate  
 27 **Federal Government**.

28 The flag which flies over the UNITED STATES OF AMERICA above the “Stars and  
 29 Stripes” is the **Federal Reserve Note**, the Rothschild fickle finger of fate, carried in  
 30 almost every rear pocket wallet, made to appear “humbled” for the benefit of every  
 31 common gullible but loyal Jewish American and Christian American by the line “In God  
 32 We Trust”. (God vs. Mammon)

33 It is the objective of the Rothschild Government to control, and then to own, all U.S.  
 34 land, as collateral, by an economically established feudalism.”

35 (See Internet: 1979 **Silent Weapons For Quiet Wars**, By Hartford Van Dyke);

36 (Also see **American Biography** (1967), Article about Wassily W. Leontief.);

1 (Also see Scientific American Magazine, (September 1980,) issue on economic  
 2 development, page 207, by Wassily W. Leontief)  
 3 (Source: How to Create Currencies for Local Communities 200 pages, by Hartford  
 4 Van Dyke)  
 5 You know a tree by the fruit which it bears, so you know a corrupt politician by his acts.  
 6 So, Judge Benjamin H. Settle, like so many other Federal Judges, works for the UNITED  
 7 STATES branch of the Rothschild Banking Empire.  
 8 So, now you know the reason why my Criminal Complaint is being dismissed.

9 **Follow the money.**

10

11 **ORDER: - Page 2 Lines 9 – 11:**

12 **QUOTE:** Judge Settle says, “The basic premise of Darby’s complaint is that the state is  
 13 a corporate entity, which is not the law and is wholly without merit.”

14 **COMMENT:** Judge Benjamin H. Settle finally proves that Darby’s Criminal Complaint  
 15 is absolutely comprehensible, for he clearly arrives at the correct understanding of the  
 16 basic premise of MY Complaint, that the State is a corporate entity, which has, through  
 17 its staff, become an outlaw which is wholly without merit.

18 It’s all about money, so let us follow the money and see how it travels.

19

20 **Review of the Heading Page**

21

22 **ORDER - Page 1 Lines 1-10**

23 **Quote:** The Heading. Setting:

24 DAVID A. DARBY, Plaintiff, v. GREG KIMSEY, et al., Defendants.

25 CASE NO. 12-MC-5000BHS

26 **COMMENT:** Judge Settle also lied about my legal status in the court by placing my  
 27 name in all-capital-letters instead of in upper-and-lower case letters, so that he could  
 28 misrepresent me as a corporate legal fiction not lawfully capable of initiating a criminal  
 29 complaint, instead of a flesh-and-blood person lawfully compelled pursuant to 18 USC 4  
 30 to file a Criminal Complaint, an Affidavit signed and notarized on my own personal  
 31 liability.

32

33 By changing the spelling of my name to all-capital-letters, and thus portraying me as a  
 34 corporation, Judge Settle attempted to subject me, as a renamed “corporate person”, to a

1 judge-only / non-jury summary trial in violation of the public's right and my right to have  
 2 a criminal matter tried by a fully informed impartial jury guaranteed in all criminal  
 3 actions, and to have the right to present my complaint directly to the grand jury in person.

4 There are no laws prohibiting an individual from presenting their case to the Grand Jury.

5

6 **ORDER: - Page 1 Lines 11-13**

7 **Quote:** Judge Settle: "This matter comes before the Court *sua sponte* on review of  
 8 Plaintiff David A. Darby's ("Darby") complaint (Dkt.1).

9 **COMMENT:** "sua sponte" means, "of his or its own will or motion; voluntarily;  
 10 without prompting or suggestion." - Black's Law Dictionary

11 The Judge's "sua sponte...review" was not a "review"; it was a summary judge-only  
 12 trial, held in absentia, that is a trial without Darby present.

13 This dismissal acted in the nature of a Court's Motion in Limine to limit my presentation  
 14 of testimony and evidence unfavorable to those government officers and agents using the  
 15 government offices to commit the said infamous crime.

16

17 **ORDER - Page 1 Lines 14-16 Further Comment**

18 **Quote:** Judge Settle: "On January 4, 2012, Darby filed a fifty-three page "criminal"  
 19 complaint against numerous Washington State officers and judges, including all justices  
 20 of the Washington Supreme Court. Dkt. 1."

21 **COMMENT:** True. The 53 pages of the Criminal Complaint took into consideration  
 22 over 100 years of fraud and the facts surrounding the fraud. If the conditions were not  
 23 explained, then the criminal complaint would not be taken seriously by anyone who read  
 24 it. Without the history and the facts the criminal complaint would not be taken seriously.

25

26 **ORDER: - Page 1 Lines 19 & 20**

27 **Quote:** Darby filed a "Land Patent" with the Clark County Auditor, Greg Kimsey, and  
 28 requested that his property be removed from the tax rolls. *Id.* At 29. Mr. Kimsey denied  
 29 Darby's requests. *Id.*

30 **COMMENT:** True.

31 **ORDER: - Page 1 Lines 21 & 22**

32 **Quote:** "\$15,600,000 in damages as a commercial lien against the corporation  
 33 Washington State. *Id.* At 50."

34 **COMMENT:** Contingently / Conditionally true. The Fundamental Principal  
 35 governing this process is: **"If righteousness is not rewarded, crime will prevail."**



1 **COMMENT:** Contingently / Conditionally true. The Fundamental Principal  
2 governing this process is: **"If righteousness is not rewarded, crime will prevail."**

3 (18 USC 4, 42 USC 1986, 42 USC 1994, 18 USC 1581, 18 USC 241, 18 USC 242)

4 The total Value of the Commercial Lien of the Criminal Complaint at issue here, when  
5 you add the effect of all the Defendants together, that is, considered jointly, is  
6 \$15,600,000 in damage payments owed to the Public, including the Plaintiff. However,  
7 the Lien of \$15,600,000 due, will, firstly, be against the Defendants, who have been  
8 operating criminally in behalf the STATE, the employer of the defendants, and, will,  
9 secondly, be against the corporate STATE Government itself for the remaining balance  
10 due. The money obtained in this manner, for the public, must to be placed in a public  
11 trust for the benefit of Public, to be disbursed as a rebate of tax money, which should  
12 have been lawfully obtained and lawfully used by the government, instead of unlawfully  
13 obtained and unlawfully used by the government.

14 Such a trust institution would be called a Public Wealth Rebate Bank / Trust, which  
15 serves to guarantee Public oversight of the Government.

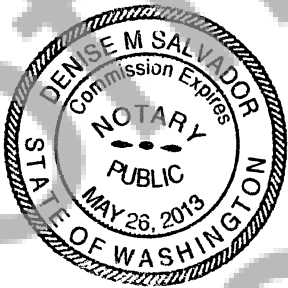
16

17 **CERTIFICATION**

18 I, David A. Darby, certify that the above Affidavit is True,  
19 Correct, Complete and Not Misleading, to the best of my Knowledge, So Help Me God.  
20 Signed: David A. Darby

21

22



[STATE] Washington ) s.s.:  
[COUNTY] Clark )

On this 23 day of March, 2012.

The above signatory appears before me personally with picture ID  
and executes the forgoing instrument and acknowledges this to be his/her free act and  
deed.

Denise M. Salvador My Commission Expires: MAY 26, 2013  
Notary Public

**EXHIBIT 1**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID A. DARBY,

Plaintiff,

v.

GREG KIMSEY, et al.,

Defendants.

CASE NO. 12-MC-5000BHS

ORDER DISMISSING  
COMPLAINT

This matter comes before the Court *sua sponte* on review of Plaintiff David A. Darby's ("Darby") complaint (Dkt. 1).

On January 4, 2012, Darby filed a fifty-three page "criminal" complaint against numerous Washington State officers and judges, including all justices of the Washington Supreme Court. Dkt. 1. Although the complaint is mostly incomprehensible, it appears that Darby alleges that these state actors have conspired to deprive Darby of his sovereignty and sovereign property rights. *Id.* Darby filed a "Land Patent" with the Clark County Auditor, Greg Kimsey, and requested that his property be removed from the tax rolls. *Id.* at 29. Mr. Kimsey denied Darby's requests. *Id.* Darby claims \$15,600,000.00 in damages as a commercial lien against the corporation Washington State. *Id.* at 50.


A federal court may dismiss *sua sponte* pursuant to Fed. R. Civ. P. 12(b)(6) when it is clear that the plaintiff has not stated a claim upon which relief may be granted. *See Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) ("Such a dismissal may be made without notice where the claimant cannot possibly win relief."); *see also Mallard v. United States Dist. Court*, 490 U.S. 296, 307-08 (1989) (there is little doubt a federal

1 court would have the power to dismiss a frivolous complaint *sua sponte*, even in absence  
 2 of an express statutory provision). A complaint is frivolous when it has no arguable basis  
 3 in law or fact. *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

4 In this case, Darby's complaint has no basis in law or fact. First, there is no law  
 5 allowing criminal complaints to be filed by private citizens or laws governing "land  
 6 patents" that would remove one's real property from state taxation. Second, Darby  
 7 cannot possibly win relief in the form of a commercial lien against the state of  
 8 Washington for its alleged denial of his sovereignty. The basic premise of Darby's  
 9 complaint is that the state is a corporate entity, which is not the law and is wholly without  
 10 merit.

11 Therefore, it is hereby **ORDERED** that Darby's complaint is **DISMISSED** and  
 12 this case shall be closed.

13 DATED this 10th day of February, 2012.

14  
 15   
 16 BENJAMIN H. SETTLE  
 17 United States District Judge  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

# Exhibit 3.

## AFFIDAVIT OF DEFAULT AND DEMAND FOR PAYMENT

To:

Greg Kimsey d.b.a. Clark County Auditor  
Tony Golik d.b.a. Clark County Prosecuting Attorney  
Lori L. Volkman d.b.a. Clark County Assistant Prosecuting Attorney  
E. Bronson Potter d.b.a. Clark County Chief Civil Deputy Prosecutor  
Steve Stuart d.b.a. Clark County Commissioner  
Marc Boldt d.b.a. Clark County Commissioner  
Gary Lucas d.b.a. Clark County Sheriff  
Doug Lasher d.b.a. Clark County Treasurer  
Bill Barron d.b.a. Clark County Administrator  
Peter Van Nortwick d.b.a. Clark County Assessor  
Donna Goddard d.a.b. Clark County Code Enforcement  
Christine Gregoire d.b.a. WA. ST Governor  
Brad Owen d.b.a. WA. ST. Lieutenant Governor  
Rob McKenna d.b.a. WA. ST. Attorney General  
Sam Reed d.b.a. WA. ST. Secretary of State  
Barbara Madsen d.b.a. WA. ST. Chief Justice  
Charles Johnson d.b.a. WA. ST. Associate Chief Justice  
Gerry Alexander d.b.a. WA. ST. Justice  
Charles K Wiggins d.b.a. WA. ST. Justice  
Tom Chambers d.b.a. WA. ST. Justice  
Susan Owens d.b.a. WA. ST. Justice  
Mary Fairhurst d.b.a. WA. ST. Justice  
James Johnson d.b.a. WA. ST. Justice  
Debra Stephens d.b.a. WA. ST. Justice  
All concerned Bonding companies including the Hartford Insurance Company.

From: David A. Darby, Sovereign Freeman  
PO Box 772  
Amboy, Washington  
Zip Exempt, Non Domestic

April 16, 2010

Subject or RE: Criminal Complaint, 9<sup>th</sup> District Court, 12-MC-5000BHS

The above named defendants, please be advised. On January 4, 2012 David A. Darby filed Criminal Complaint, Case 12-MC-5000-BHS in the 9<sup>th</sup> District Federal Court at Tacoma, Washington. See Title 18 Section 4 for jurisdiction. The Criminal Complaint was sectioned off into two parts: Part one of the complaint was served on the Federal 9<sup>th</sup> District Court, so that it would be presented as a criminal complaint to the Grand Jury. Since, Judge Settle dismissed the case unlawfully, without doing his duty to the named elected and appointed STATE and COUNTY officials and the citizens of this State. Part two now becomes relevant. Since, only a jury can nullify a criminal complaint, lawful claim filed under Title 18 Section 241, 242 and 3571, each defendant is responsible for his own defense of the Commercial lien. Since, the Criminal Complaint issued to all defendants was treated with contempt by the federal judge and



the defendants, I, David A. Darby, in my status of Sovereign Free man, issue this default against all of the defendants listed in the Criminal Complaint Case 12-MC-5000BHS. All the bonds are now forfeit.

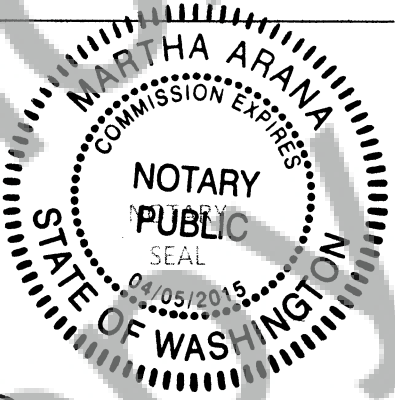
I, David A. Darby, Demand that you each named defendants pay in full the amount of the lien against you, in the amount of \$570,000 for any and all judge defendants and \$550,000 for each non judge defendants. You treated my complaint with contempt and ultimately defaulted the amount by not answering the lawful affidavit that was issued to you for your criminal activities listed in the above Criminal Complaint. You defaulted by not presenting your own defense. The Maxim of Law: "He who leaves the battle field first loses." A copy of the Criminal Complaint, Rebuttal, and the Demand Affidavit will be turned over to the bonding companies and BAR insurance department.

I, David A. Darby, Demand that all bonding companies and the Bar insurance program for judges and attorneys forfeit the bonding insurance for each defendant.

CERTIFICATION

I, David A. Darby Sovereign free man in his common law status, certify that the above Affidavit is True, Correct, Complete and Not Misleading, to the best of my Knowledge, So Help Me God.

Signed: David A. Darby



[STATE] Washington ) s.s.:  
[COUNTY] Thurston )

On this 16 day of April, 2012

The above signatory appears before me personally with picture ID and executes the forgoing instrument and acknowledges this to be his/her free act and deed.

Martha Arana My Commission Expires: 4-5-15  
Notary Public