

Case No.: CR08000282

22-6994

ORIGINAL

In The
Supreme Court OF The
United States

Supreme Court, U.S.
FILED

JAN 18 2023

OFFICE OF THE CLERK

Devon Banks-Bey - Petitioner
vs.

Harold W. Clarke - Respondent

Writ of Habeas Corpus To No Other Court
Ruled on Merit of Case

Devon Banks-Bey
Walkensridge State Prison
P.O. Box 759
Big Stone Gap, Va (24219)

N/A - Phone Number

RECEIVED

JAN 18 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Question Presented

Petitioner (Exparte) Devon Banks-Bey "In Propria persona" Sui iuris is an Moorish American Sovereign who has been unlawfully imprisoned by the Commonwealth of Virginia do the state not having subject matter jurisdiction, by failing to identify the proper party in propria persona to render any such judgement in any manner. Absent this court intervention, the petitioner will continue to be held as a political Hostage unconstitutionally by ex post facto labels and laws that hasn't presented the true identity (proper Status) of this free Moorish American man, This petition invokes the extraordinary Jurisdiction of this court because all other traditional avenues (state courts and Federal District courts) lack the necessary means to rectify or decide the herein claims of conflict between Federal and state laws, Human Right Laws, and the U.N. Declaration on the Rights of Indigenous people.

The questions presented are:

1. Should this court use its power to grant writ of Habeas Corpus to a Moorish American Sovereign man who has no other available forum to raise his compelling claims of ex post facto, an international law violation and lack of subject matter jurisdiction.

on behalf of mislabeling and misnaming the petitioner?

2. What branch of law authorized the states to apply abolished slave labels (Black, Negro, colored) to any person of African descent after 1865? This reinstates such persons a chattel-property and reopens the institution of slavery under colorable Constitutional amendment.

3. Are Blacks "slaves" or otherwise reason, as used in the 14th Amendment, and how can they be made first class citizens without their inalienable free national descendant name, their fore-fathers.

4. How the label "Black" can find no formal place within the nationalities of the Human family and still be made "citizen" on any free national and Constitutional Government.

5. If one can produce a Black slave - the same one must also produce the Black slave owner correct? The Burden of proof lies on the court! Not on a moor.

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Hagan v. Lavine, 415 (1974)
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Boswell v. Ohs, 9 How. 336, 348, to writ.
Dred Scott v. Sandford 60 U.S. (19 Howard) 393 (1857).
Onens v. city, 445 U.S. 662 (1980)
U.S. and U.T. v. Darnal, 22 p. 159.
Fairbanks v. U.S., 181 U.S. 283, 294, 300:
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Griffin v. Matthew, 310 F. Supra 341, 342, (1969)
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Statutes And Rules

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International covenant on civil and Political Rights
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Part III Article 24

Universal Declaration of Human Rights - 1.2.4.5.6.7.15

U.N. Declaration ~~of~~ on the Rights of Indigenous people - 2.7.8.46

• Constitution

Article I Section 9, CL 3

Article I Section 10

The Eighth Amendment

The Thirteenth Amendment

The Fourteenth Amendment

Parties to the Proceeding

Petitioner, by special visitation, Devon Banks-Bey a Moorish American Sovereign "In propria persona" sui Juris held as an Commonwealth prisoner in Virginia, is the Movant herein the extraordinary writ of Habeas Corpus proceeding before the Supreme Court of the United States. Mr. Devon Banks-Bey is in custody of Harold W. Clarke the Director of the Virginia Department of Correction - Jason S. Miyares is the Attorney General for the state of Virginia.

Contact information:
Office of Attorney General
202 North 9th Street
Richmond, Virginia

Petitioner for Writ of Habeas Corpus

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Devon Banks-Bey respectfully petitions for a Writ of Habeas Corpus

Decision Below

This petitioner for writ of Habeas Corpus is an original proceeding in this court, but relates to an unlawful imprisonment on the behalf of the Norfolk City Circuit Court by way of the Commonwealth of Virginia for failing to properly identify the petitioner in "propria persona" and for the lack of subject matter Jurisdiction. In the alleged criminal matter where the Commonwealth of Virginia was the plaintiff in the matter.

Statement of Jurisdiction

This Moorish American Sovereign plaintiff by private Authority invokes this court Jurisdiction pursuant to # under 28 U.S.C. §§ 2241 and 2254 to grant a writ of Habeas Corpus as well as pursuant to rule 20.4 of the rules of this court, the all writs act, 28 U.S.C. § 1651(a) and Sovereign Immunities Act of October 21, 1976 C.E, and 28 U.S.C. § 1602.

Statement of Reasons for not filing in The District Court

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Rule 20.4 requires an original petition for writ of Habeas Corpus by a state prisoner 1. to "comply with the requirements of U.S.C. § 2241 and 2242, and in particular with provision in last paragraph of 2242, which requires a statement of the reasons for making application to the district court of the district in which the appellant is held." 2. to set out specifically how and where the petitioner has exhausted available remedies in the state court or other wise comes within the provision of 28 U.S.C. 2254(b) 3. to "show that exceptional circumstances warrant the exercise of the courts discretionary power" 4. to show that adequate relief cannot be obtained in any other form or from any court "petitioner Devon Banks-Bey meets these requirements.

1. By the petitioner's proper person status being unconstitutional and unlawfully labeled as Black (defacto label) in violation of the United States of American Constitution Article I Section 9 (CL 3) and Section 10 ex post facto laws and also violation of the 13th Amendment. The claim of the 13th Amendment to abolish all entities of Slavery (slave names, slave masters, slave e.g Black, Negro, and colored) Now comes ex post facto in the 14th

Amendment which declares the same Black, Negro, and colored (8) slaves as "citizens" disguised under "Word" "persons" and made subject to the jurisdiction. This claim give rise to a legal conflict between slavery and freedom. And, itself then, a constitutional issue.

The reason for not making a application in the district court where the petitioner is held is because under the United States supreme Court Ruling (Hagan V. Lavine, 415 US, 528 (1974)) Jurisdiction cannot be sustained by lower court, or entertained and decide any claim of conflict between federal and state law? All federal district & circuit courts are created as territorial "property" or "franchise" courts. A franchise court is not in the Judicial Branch of the government, but rather within the executive Branch as a legislative "Franchise court." In fact the only remaining true, Article III constitutional court is the US Supreme Court acting only within its original Jurisdiction and when the state is a party the US Supreme court is the only court thats available.

In fact the ex post facto "Black labels" would leave any court in want of Jurisdiction" except the US Supreme Court, a special congressional committee and/or the United Nation International court of Justice (The World Court), in the Hague Netherlands. This ~~Interpretation~~ Interpretation provide that the petitioner should be permitted Via 28 U.S.C § 2254.

2. Jurisdiction is always in want of proper parties to be presented, The scope and extent to Jurisdiction of Federal courts has the unquestionable authority to entertain suits

to redress a person deprived, under color of state laws, and of constitutional rights, Now, to the question of "state" ownership of slaves/Black labels, via Black Birth Certificates, Black licenses, arrest records of Black, and other officials state levels. The states are only limited to their Federal Jurisdiction allocations. In Brief, the Blacks are words of the states, the states are united and empowered by Congressional legislation and congress must answer to the Constitution which overseen by the U.S Supreme Court. Also any court which lacks personal jurisdiction; is also a court without power to issue an "personam" judgment (See. *pennoyer V. Meff*, 95 U.S 714, 24 led 565).

Jurisdiction is essentially the authority conferred by Congress, to decide a given type of case one way or the other. The state court has no authority over the said issue herein, these reason. This court Jurisprudence regarding statutory interpretation provides that the petitioner should be permitted via 28 U.S.C § 2254(b); (B); and also in 28 U.S.C § 2254 (b)i (B)ii

3. Exceptional circumstances warrant the exercise of this court's discretionary power to issue a writ of Habeas Corpus for the reasons set forth, infra, in the statement of facts and of the reasons for Granting writ.

4. Unless this court grants this Habeas Corpus petition

issue referenced above, then adequate relief cannot be (10)
obtained in any form and from any other United
States Courts. No other court can redress or grant
relief when there claims of conflict, where ~~redistribution~~
unconstitutional ex post facto laws, and denationalization
are claims made, which further violates universal
Human Rights, and United Nation Declaration on the
Rights of Indigenous people laws herein.

Constitutional and statutory provision Involved

(11)

This petitioner involves the following provisions of the United States constitution:

- Article I, section 9, CL.2, of the United States constitution provides:

The privilege of the writ of Habeas Corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may required it.

- Article I, section 9, CL.3, of the United States constitution provides:

No Bill of attainder or ex post facto law shall be passed.

- Article I, section 10, of the United States Constitution provides:

1. No state shall enter into any treaty, alliance, or confederation, grant letters or Marque and reprisal; coin money; emit Bills of credit; make anything but Gold and Silver coin a tender in payment of debt, pass any Bill attainder, ex post facto law, or law impairing the obligations of contract; or grant any title of nobility.

2. No state shall without consent of congress law any impost, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and not produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subjected to the revision and control of congress. (12)

3. No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with any other state, or with foreign power, or engage in war, unless actually invaded, or in such imminent danger as well not admit of delay.

The Eighth Amendment provides:

(13)

Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted.

The Thirteenth Amendment Provides:

1. Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their Jurisdiction.

The Fourteenth Amendment Provides:

1. All persons born or naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States and of the State where in they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; Nor shall any State deprive any person of life, liberty, or property without due process of law, Nor deny to any person within its jurisdiction the equal protection of the laws.

4. The validity of the public ~~deb~~ debt of the United States,

authorized by law, including debts incurred for payments of pensions and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States shall assume or pay any debt or obligation incurred in and of insurrection or rebellion against the United States; or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void. (14)

5. The congress shall have power to enforce, by appropriate legislation, the provision of this article.

28 U.S.C. § 1203: kidnapping statute

28 U.S.C. § 1251: Original Jurisdiction Provides:

(a). The supreme court have original and exclusive jurisdiction of any civil action authorized by law to be commenced by any person:

(3) To redress the deprivation, under color of any state, law, statute, ordinance, regulation, custom, or usage, of any right, privilege or immunity of congress providing for equal rights of citizens, or of all persons within the jurisdiction of the United States.

28 U.S.C. § 2254(b)i (B)ii provides:

(b)i. an application for writ of habeas Corpus on

behalf of a person in custody pursuant to the judgement (15)
of a state court shall not be granted unless it appears
that.

(b)i. There is an absence of available state corrective
process or

(B)ii. Circumstances exist that render such process
ineffective to protect the rights of the applicant.

I. Introduction

(16)

By special visitation comes now Devon Banks-Bey a 34 year old Moorish American Sovereign "In propria persona" sui juris. I am the movant (Herein after referred to as petitioner) in this Extraordinary writ of Habeas Corpus moves this Court to release the petitioner from this unconstitutional unjust, and unlawful imprisonment in the matter where the commonwealth of Virginia was the plaintiff. The aggrieved Moorish American Sovereign petitioner challenges the legality of the status imposed upon the petitioner and Jurisdiction of the United States by way of the commonwealth of Virginia.

The United States by way of the commonwealth of Virginia were participants in denationalizing and enforcing ex post facto laws by way of de facto labels of slavery, which violates the 13th Amendment, and Article I, Section 9 (CL.3) and Section 10 of the United States of America constitution, which in turn cause the petitioner to be an political hostage. The failure of the United States by way of the commonwealth of Virginia failure to properly identify and name the petitioner "In propria persona" is in conflict with the Jurisprudence of all United States court systems, which is founded upon two master words

"Status" and "Jurisdiction". without these two legal principles (17)
there cannot be a lawful proceeding to have any
trial without true application of their necessary
condition and will make the law *ex post facto* to
the United States constitution and leave any court
"In want of Jurisdiction," any court which lack
personal Jurisdiction, is also a court without power
to issue an "In personam" Judgment. (See *permyer*
V. Meff, 95 U.S. 714, 24 *led.* 565 (1877)).

II. Unconstitutional and Unlawful Acts

(18)

All people who are free national, are born with the "inalienable Rights" to the inherent nationality of their fore-fathers, e.g. Chinese, German, Egyptian or Moorish American. Any act, lawful or disguised, which deprives a person or people of this birth Right, given by their Creator is an act of "Denationalization and Genocide." These First degree felony criminal violations for any government to enact upon a people under colorable Amendments to its Constitutional laws. Hence: Formal charges!!

The United States and the Commonwealth of Virginia having mislabeled and misidentified this Aggrieved Moorish American Sovereign petitioner as "Black" in arrested records, Birth Certificates, person status, etc. Makes these acts unconstitutional, being that this confirmation is dire violation of the Constitution's Article I, section 9 (cl. 3) and Section 10, which is "ex post facto" laws and labels" and for the United States by way of the Commonwealth of Virginia that enforced the fore mentioned Acts and by imposing the de facto "Black" label on the petitioner's status is criminally liable/name were applied to captured

and import African Moors were "Demurable" and an act of denationalization which placed them out of their "proper person," to be treated unfairly and unjustly.

According to the Federal Rule Title 18 U.S.C Section 241 through 242 states "No one has the Rights, especially under eddges, and courts, etc." to denationalized, deprive any rights, priviledges, or immunities by reason of color or race." Whereas the courts are hereby demanded to prove that Black, Negro, and colored is a law status, national origin with a descendant nature within the scope of nationality of fore-fathers, equal to all other people. Furthermore, prove this status existed before the establishment of the continental congress and after it's congressional death in 1865.

In addition, Black, Negro, and color is declared "property" and no property can testify against itself in any court of law, only its owner must appear.

Therefore who owns the Black, Negro, colored, that declared abolished in the 1865 enactment of the 13th Amendment, with the institution of slavery? Its the appearance of the "Rightful" owner of the property, not the property, required to answer in a court of law

(20)
(courts enforcing mere statutes?)" Do not act Judicially, but merely ministerially; thus having no Judicial Immunity. And, unlike courts of law, do not obtain Jurisdiction by service of process, nor even arrest and compelled appearance "(See. Boswell v. Otis, 9 How. 336, 348, to writ)

Furthermore, these criminal and unconstitutional acts committed by the United States by way of the Commonwealth of Virginia by failing to properly identifying this Aggrieved Moorish American petitioner "In propria persona" are acts of "Denationalization" and a form of Genocide. These inhumane acts are in violation of the 8th amendments of the U.S. Constitution by unconstitutionally and unlawfully holding the petitioner in custody as an political hostage, basically kidnapping the petitioner in violation of 18 U.S.C.A. § 1203 which is an Federal crime.

This Aggrieved Moorish American Sovereign petitioner asserts that the true appellation of this petitioner "In propria persona" has not been presented in any of the courts documents or any documents of the United States by way of the Commonwealth of Virginia, and that a derivative of a "person status" or name is not the legal status, name or identity "In propria persona". Furthermore this aggrieved Moorish petitioner has not abdicated

(21)

his position as a Sovereign to one of a lesser, deplorable or demurable status of a Black, Negro, colored, African American, nor that of a United States citizen or etc. (see. Appendix A and B) To understandfully the petitioner "propria persona", culture, Birth Right, nationality, origin of fore-father and fore-Mothers etc.

In addition, the Supreme Court of the United States (In the landmark case) of "Dred Scott v. ~~John~~ Sandford" 60 U.S. (19 Howard) 393, (1857), held that Negro-whether held to slavery or free-were not included and were not intended to be included in the "category" of "citizen" (Subjects of the Union State Rights). This statement further shows that Black, Negro, or colored were never meant to be citizens so the only ties to those ex post facto labels is "Property".

Furthermore, In addition, to what has been stated above and throughout, without a valid contract, Agreement, a meeting of the minds or foundational Instrument with this aggrieved Moorish American Sovereign petitioner's bonafide

Signature "In propria persona" on it, requiring ~~specific~~ specific performance and placed into evidence on the courts records, the United States by way of the Commonwealth of Virginia has no legal standing, this Jurisdiction, and legal existance to further unlawfully, and unconstitutionally hold

this moorish petitioner captive in their custody or any custody et al!!

(22)

III. Treaty Violation

The treaty of peace and friendship between the United States and Morocco (The first and oldest treaty to date, agree upon by U.S) has Articles built in concerning the treatment of Moors accused of a crime in the U.S. This treaty forbids moorish muslims being tried in any christian court of law and to have either a blue Ribbon Jury or Islamic consul representation. The treaty was and is to ensure proper Jurisdiction is at law. By the acts stated throughout this petition as well as history of the pass and present, is proof, that this Treaty has never been honored by the United States and states that reside, especially the experience this aggrieved Moorish Moslem petitioner has witnessed throughout most of my life.

IV. International Violation of Law

For all of the aboved mentioned acts committed by the United States and the Commonwealth of Virginia, its clear that, these international laws have been violated to writ;

1. International covenant on civil and political Rights as follow;

(a) part II Article 3 provides: The States parties to

the presented Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present covenant.

(23)

(b). part III Article 8 section 1 provides:

No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. And secondly; No one shall be held in servitude.

(c). part III Article 9 section 1 provides:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law;

(d). Part III Article 24, section 3 provides:

Every child has the right to acquire a nationality. 2.
Universal Declaration of Human Rights, as follows;

(a). ~~Article~~ Article 1 provides in relevant part:

All humans are born free and equal in dignity and rights.

(b). Article 2 provides in relevant part:

Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race,

color, sex, language, religion, political or other opinion, national, or social origin, property, birth, or other status.

(24)

(c). Article 4 provides:

No one shall be held in slavery or servitude, slavery and slave trade shall be prohibited in all their forms.

(d). Article 5 provides:

No one shall be subjected to torture or cruel, inhumane or degrading treatment or punishment.

(e). Article 6 provides:

Everyone has the right to recognition everywhere as a person before law.

(f). Article 7 provides:

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of the Declaration and against incitement to such discrimination.

(g). Article 15 provides:

First, everyone has a right to a nationality. Secondly, No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

3. U.N. Declaration on rights of Indigenous people as follow;

(a). Article 2 provides:

Indigenous people and individuals are free and equal to all other people and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

(b). ~~Article~~ Article 6 provides:

Every Indigenous individual has the Right to an nationality.

(c). Article 7, section 1 and 2 provides:

First, Indigenous individuals have the right to life, physical and mental integrity, liberty and security of person.

Secondly, Indigenous people have the collective right to live in freedom, ~~peace~~ peace and security as distinct people and shall not be subjected to any act of Genocide.

(d). Article 8 section 2 (a) provides:

States shall provide effective mechanisms for prevention of, and redress for:

any action on which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.

(e). Article 46, section 2 provides:

Indigenous people have the right to the recognition observance and enforcement of Treaties, agreements, and other constructive arrangements concluded with states or their successors and to have states honor and respect such treaties, agreements and other constructive arrangements. (26)

(f) Article 46, section 2 provides:

In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subjected only to such limitations as are as determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

V. Reason for Granting the Writ

It's very clear that the United States and the Commonwealth of Virginia has violated all of these substantive, and International Rights mentioned throughout this entire writ of Habeas Corpus.

The Supreme Court decision that was ruled state; The state is prohibited from violating substantive Rights. (See.

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Owens v. City, 445 U.S. 662 (1980); and it cannot by one power (e.g. Taxation/Eminent Domain) as a matter of law. (See. U.S. and U.T. v. Daniel, 22 p. 159), nor indirectly that which is prohibited to it directly (see. Fairbanks v. U.S., 181, U.S. 283, 294, 300:)

There has been clear ex post facto laws, and labels violations throughout my entire existences, being held on political hostage, where rights secured by the constitution are involved, there can be no rule-making or legislation which would abrogate them (see. Miranda v. Arizona, 384 U.S. 436, 125:). The United States by way of the Commonwealth of Virginia court, has completely undermined laws concerning Substantive Rights and the Judicial laws governing Jurisdiction, "Lack of Federal Jurisdiction cannot be waived or overcome by agreement of parties, (see: Griffin v. Matthew, 310 F. Supra 341, 342 (1969) and want of Jurisdiction may not be cured by consent of parties" (see. Industrial Addition Association v. C.I.R., 323 U.S. 310, 313)

If any Tribunal (court) find absence of proof of Jurisdiction over a person and subject matter, the case must be dismissed, (see. Louisville v. Mutley, 211 U.S. 149, 295, CT 42) "The accuser bears the burden of proof Beyond a reasonable Doubt." It's, facts, that by me being a Moorish

American Sovereign "In propria persona", that the United State and the Commonwealth does not have Jurisdiction over the petitioner in any manner! The petitioner is Indigenous to the Americas, North, Central, South America and Mexico; Also the adjoining Islands, (see: Appendix A, B, and C) and theres historical proof to it all.

The Supreme Court, and the "Act of states" to writ:
"Every sovereign state (people) is bound to respect the Independence of every other sovereign state (people) and courts of one country (people) will not sit in Judgement on the acts of the government of another, done within (The same or) its own Territory... With that being said, all the unconstitutional, unlawfully, and violations of International laws, this court has all the reasonings to grant this Aggrieved Moorish American Sovereign "In propria persona" petition.

Conclusion

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The petition for Writ of Habeas Corpus should be granted.

Respectfully submitted,

Devon Banks ~ Bey

Devon Banks ~ Bey

"In propria persona"

Moorish American

Imprisoned at: Walkersridge State Prison

P.O. Box 759

Big Stone Gap, Va 24219

State of: VA
County of: Wise
The foregoing instrument was acknowledged
before me 1 day of December 2022
[Signature]
Your Name Here, Notary Public
My Commission Expires 4/30/26



U.C.C. 1-207/308
without prejudice
By: Devon Banks-Bey
Devon Banks-Bey

In propria persona Sui-Juris
Moorish American

Currently incarcerated at
Wallensridge State Prison
272 Dogwood Drive
Big Stone Gap, Va 24219

Acknowledgment

Subscribed to sworn before me this ~~1~~ 1 day,
December 2022 AD a notary that Devon Banks-Bey
personally appeared and known to me to the ~~same~~
man whose name subscribed to within this instrument
and acknowledge to be the same

7992203 Seal

Notary public and for state VA
My Commission expires
4/30/26