

in the Supreme Court of the United States

ORIGINAL

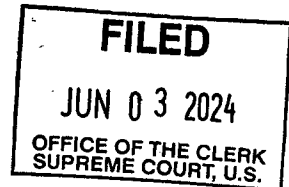
23-7655
in re: JoYon-Montell: Hollowell

Case no: _____

Petitioner

On a petition for a writ of habeus corpus

Petition for writ of habeus corpus



JoYon-Montell: Hollowell, Chief
Tsalagi Tribal Cherokee National
11866 Hastings Bridge R.d.
Lovejoy, Georgia 30250

- U.S. Marshal #: 59645509
Robert A. Dayton Detention Facility

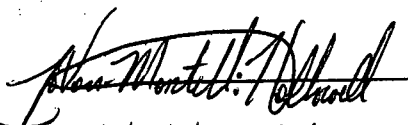
- Counsel [tribal] contact information:

- Chief Tribal Attorney General - Chief Strong Eagle; Chief Tribal Marshal as well
P.O. Box 5155, Columbus Georgia 31906 - indian country [address]
(323)-246-3690 [mobile device]

Cover

Questions presented

- 1: Can a non-Article III court proceed without the consent of the accused?
- 2: are the Courts allowed to overrule the Constitution?
- 3: are the Courts not required to honor the Treaties of all indian tribes/Nations?
- 4: do the indian tribes not retain jurisdiction over all their members?
- 5: are the Courts not required to uphold the government-to-government relationship established with the indian tribes/Nations?
- 6: are the Courts not required to follow proper due process of law, such as;
 - probable cause
 - warrants, for arrest and search and seizure
 - injured party/corpus delicti
 - choice of counsel [tribal counsel when dealing with Cherokee (all) Indians]
 - an actual crime, affecting interstate or intrastate commerce in FEDERAL Territory?
- 7: can a man be convicted for exercising his unalienable right[s], constitutionally and Treaty protected?
- 8: are indians citizens of the United States within meaning of the 14th amendment, and Article I, Section II, Clause III, "indians not taxed"?


Tsalagi Tribal (Cherokee) National
06/02/2024

List of parties involved

- 1: UNITED STATES DISTRICT COURT OF NORTHEAST GEORGIA [territorial]
- 2: Norman L. Barnett [prosecutor]
- 3: Stephanie E. Gabay Smith [prosecutor]
- 4: Jean-Paul Boulee [magistrate]
- 5: Brett Tripp - Warden of Robert A. Dayton Detention Facility

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- T/c 8: statement of the case
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Table of authorities cited

- For this section, i felt that it was best to attach the most recent habeas writ, memorandum of law, and judicial notice, that was filed in the DISTRICT COURT, of which, i have yet to receive a response, or even a filed stamped copy that has the case number;

- my Tribal Judicial Counsel located the information needed to locate this writ;

- Assigned to: Christopher C. Byl

- Case number: 1:23-cv-05782

- note: this submission is brought forth with the upmost respect, and good faith to the Justice[s] this writ was submitted to. As a Cherokee National, Tribal Chief, and 11th member of our Judicial counsel, § Tort Claims, i am fully aware that you do not need any one memorandum of law.

- there are over 200⁺ cases and authorities cited that pertain to the matter at hand, which is what this section required. the 11th CIRCUITS "precedent" is that a litigant must prove that his rights, or other violations has occurred, (which is just outrageous), so i gave them the proper historical tradition of law and fact since the founding, that is required of the government pursuant to "New York State Rifle Ass'n v. Bruen", 2022, and the Constitution for the United States;

- i give many thanks for your honor, time, and understanding;

- exhibits/appendices D, E, F, are the 3 documents mentioned herein;

Memorandum of law

• Comes now, Jo'Von-Montell Hollowell, National of the non-B.I.A. Tsalagi Tribal Cherokee Nation, a free American indian, hereby presents and submits this memorandum of law as evidence and proof of the prevailing and controlling law regarding this matter now before the court;

*to cover the violation to unalienable right to due process of law;

• due process is not determined by the legislature. "it is Manifest it was not left to the legislative power to exact any process which might be devised. the [due process] article is a restraint on the legislative as well as on the executive and judicial powers of government; and cannot be so construed as to leave Congress free to make any process "due process of law", by its mere will";¹ in interpreting what due process of law is, it has been held that "none of our liberties are to be taken away except in accordance with established principles"²

"the expressions 'due process of law' and 'law of the land' have the same meaning. the 'law' intended by the Constitution is the common law that had come down to us from our forefathers, as it existed and was understood and administered when that instrument was framed and adopted;

State v. Doherty, 60 Maine 504, 509 (1872)

• due process was intended to preserve established fundamental rights by requiring that they can not be deprived except by the established modes of law as existing under the common law, thus, "it is clear that the common law is the foundation of that which is designated as due process of law; the Constitution guarantees and protects these pre-existing rights and procedures in the due process provision. this cannot be abrogated or changed by Congress or the legislature."

• it has recently been held by the Supreme Court of the United States (hereinafter will be SCOTUS) that "the Second amendment standard accords with how we protect other Constitutional rights."⁴ take for instance, the freedom of speech in the first

1: Murray's Lessee v. Hoboken Imp. Co., 18 How. (59 U.S.) 272, 276 (1855)

2: Ekeern v. McGovern, 154 Wis. 157, 142 N.W. 595, 620 (1913)

3: 6 B.C.L. "Const. Law" §435

4: New York State Rifle Ass'n v. Bruen, no. 20-843, June 23rd 2022

• amendment, to which Heller repeatedly compared the right to keep and bear arms. in that context [w]hen the government restricts speech, the government bears the burden of proving the Constitutionality of its actions; and to carry out that burden, the government must generally point through to historical evidence about the reach of the first Amendment's protection; accordingly if a litigant asserts the right in court to 'be confronted with the witnesses against him' U.S. Const., Amdt. 6, we require courts to consult history to determine the scope of that right⁵

• it is clear, the government is required to consult to history, whenever a man asserts his Constitutionally protected rights. "no person should be deprived of liberty, life, or property without due process of law," and it is a maxim of law that "Liberty is more favored than all things" (Dig. 50, 17, 122); thus the Constitution has also provided that no warrant shall issue except upon oath or affirmation establishing probable cause. It has been settled for centuries, and the doctrine has been recognized here, that except in cases of reasonable belief of treason or felony, or breach of peace, committed in presence of an officer, there is no due process of law without a warrant, issued by a court or magistrate upon a proper showing or finding," as declared by Mr Justice Campbell. the law favors liberty above all things and applies the most liberal interpretation to it.

• the chief evil against which the fourth Amendment is directed, is a government agents warrantless entry into a person's home.⁸ no search or seizure or arrest can be made without a warrant present. due process guarantees this conduct to justify a officer's actions. "the mere proximity to suspected criminal activity does not, without more, generate probable cause to search anyone's home, and seize property "suspected" or "believed" to be part or conduct of criminal activity."⁹

• Any evidence seized illegally by the officers, can not be used in any criminal actions against the victim of the illegal search. the evidence seized would be fruits of the poisonous tree;

"a rule under which evidence that is a direct result of illegal conduct on the part of an official is inadmissible in a criminal trial against the victim of the conduct"⁹

5: Bruen, no. 20-843, June 23rd, 2022

6: North v. People 139 Ill. 81, 28 N.E. 966, 972 (1891)

7: Gill v. Wayne County 43 Mich. 76, 97, 4 N.W. 492, 495-96 (1880)

8: Feliciano v. City of Miami Beach, 707 F.3d 1244 (11th Cir. 2013)

9: Justice Frankfurter, Nardone v. United States; 308 U.S. 338 no. 240-1939

• basically "evidence seized in violation of the 4th Amendment including any fruit of the poisonous tree, may not be used against the victim of the illegal search and seizure"¹⁰ the specific authority for searches, seizures and arrests, is grounded in the ancient settled maxims of law, which no statute can abrogate without violating the "due process of law" provision in the Constitution.¹¹ "at law," it has always been the rule that "except in cases where the public security has demanded it, arrests and property seizures without a warrant" is deemed to be unlawful;¹²

• Since pre-Magna Charta, "no man free shall be taken or imprisoned, or imposed or disposed, except by the legal judgement of his peers or the law of the land." no legislative act can abrogate what is the law of the land, otherwise there is no such thing as due process. "arrest without warrant, where a warrant is required, is not due process of law; and arbitrary or despotic power no man possesses under our system of government";¹³

• the liberty of the People is too sacred to be left to the arbitrary will of man, and no man possesses the power to strip any man of any right in no branch of government or corporate agents acting under color of federal authority. "at law, acts that are "malum per se," that is wrong or unlawful by their nature, were often felonies or breaches of the peace, and subject to arrest without warrant. but that is not the law for an act that was only "malum prohibitum," being made unlawful only by statute, and without such enactment, would be otherwise innocent acts. the law asserts that for such statutory misdemeanors, not amounting to a breach of the peace, there is no authority in an officer to arrest without a warrant";¹⁵

• what is a felony? an intrinsically evil act[s] such as; murder, rape, kidnapping, sodomy, armed robbery, abortion, pedophilia, treason, arson, breach of the peace, and other such atrocious crime[s]. no one commits a felony accidentally without foreknowledge of the act. therefore his arrest shall come as no surprise. even then, "official illegality is quite as reprehensible as private violations of law. the law of the land must be accepted by everyone as the only rule which can be allowed to govern the liberties of citizens, whatever may be their ill desert";¹⁴ in the United States, Constitutions [and treaties] were written to restrict the actions of those in government. but it

10: United States v. Cervantes 678 F.3d 798

11: American JurisPrudence "arrests" 2d vol. 5

12: Muscoe v. Commonwealth 86 Va. 443, 10 S.E. 534, 536 (1890)

13: Commonwealth v. Gorman 192 N.E. 618, 620; Burns v. Erben 40 N.Y. 463, 466 (1869)

14: Sarah way case 41 Mich. 299, 305 1 N.W. 1021 (1890) cited, People v. McGurn 341 Ill. 632, 193 N.E. 754, 759 (1930)

• is daily being violated by judges, legislatures, police, federal agents on the topic of arrests which makes them lawbreakers" - Justice Campbell, Sarah Way case;

• as i have explained, no warrant = no due process, which makes all evidence fruits stemming from the illegal search and seizure, and inadmissible in a criminal trial. the Wong Sun doctrine, 1963, "derivative evidence, such as physical evidence, a confession, or the testimony of a witness, is not fruits of the poisonous tree, simply because it would not have come to light but for the illegal actions of the police, rather, derivative evidence must be suppressed as fruits of the poisonous tree if it was discovered by exploiting an illegal search;" fruits of a constitutional violation must be suppressed¹⁵

• "the rule on burden of proof in a criminal trial, where any arrest was made without a warrant, if challenged by the defendant, is presumptively invalid, and the burden is upon the state to justify it as one not only authorized by statute, but also not one violative of constitutional provisions;"¹⁶ "the fourth amendment prohibits unreasonable searches and seizures conducted without a warrant; are per se unreasonable, unless a valid exception to the warrant requirement is applicable"¹⁷

• "the fourth amendment which guarantees the People to be secure in their persons, house, papers and effects, against unreasonable searches and seizures" generally do not apply to searches, seizures and arrests without warrants; thus the mode of arrests by which one can be deprived of his liberty and property is to be determined by the pre-existing common law principles and modes of procedure. a properly constituted warrant of arrest, and search and seizure warrant is the process at common law by which persons could lawfully be deprived of their liberty. officers are justified in arresting without warrant only in cases of felony and breaches of the peace. this is elementary. it is needless to cite authorities"¹⁸

• at one time in the history of American law and jurisprudence, the concept that no one could be arrested for a misdemeanor except with a proper warrant was so basic and elementary that it was not necessary to give any authorities to prove it. yet this basic concept was found to be too restrictive to the ever-growing oppressive government that has gained power in this country.

15: Wong Sun Doctrine, Wong Sun v. United States 371 U.S. 471, 9 L.Ed. 2d 441, 83 S.Ct. 407 (1963)

16: Treatise on false arrest and false imprisonment - Charles Weisman p. 31

17: United States v. Lattimore, 84 F.3d 647, 650 (1996)

18: 1 Am. Law Rep. Annotation, 586; 5 Amer. Juris, 2d, "Arrests" § 2 p 697

19: Tillman v. Beard, 121 Mich. 475, 80 N.W. 248 (1899)

* to cover the claim of status as a Cherokee Indian, and membership of a recognized Nation, with many tribes

• Since the forefront of this matter, as it has been no secret, the DISTRICT COURT has known of my status as a born National of the non-B.I.A. ²⁰ Tsalagi Tribal Cherokee Nation, Goldfalcon Thunderbird Clan, as they have received my declaration of status, my Tribes Notice to Perform, valid in all 50 states, on my land ²¹ Abye Yula, also known as ²² de-facto Corporate United States. As an American Indian, I have the right to belong to any tribe, and to self-identify, and no discrimination shall arise from the exercise of such a right; the law requires the government to contact the tribe that said membership/enrollment is claimed, verify said membership, then proceed to the treaties between the United States and said tribe/Nation;

• it has been ruled "the government need not allege the "non-Indian" status of a defendant in an indictment under 18 U.S.C. 1151, nor does it have the burden of going forward on that issue. Rather, once the defendant properly raises the issue of his Indian status, then the ultimate burden of proof remains upon the government; tribal enrollment is the common evidentiary means of establishing Indian status, ~~but~~ it is not the only means or is it necessarily determinative, nor have the courts required ²³ evidence of federal recognition, rather, courts have emphasized that they must be some evidence of government or tribal recognition;

• in order to verify other means of tribal recognition, the United States and all Indian tribes and Nations have a government-to-government relationship enshrined in the Constitution for the United States of America, written by my ancestors in 1776, and still stand valid in the Corporate de-facto Federal Constitution OF THE UNITED STATES OF AMERICA, written in 1789; our government-to-government policy has been reaffirmed by Congress in "H. CON. RES. 331, and S. CON. RES. 76;" meaning must be given to what the ²⁴ United States Congress has written, even if not in explicit language, so as to effectuate the policy which congress has formulated;

• "Although the requirements may vary depending upon the purpose for which Indian status is claimed, courts can not be ignorant of the collateral consequences their rulings might have to future proceedings;" ²⁵ merely stating that my status as a Cherokee Indian

20: non-B.I.A. = not of the corporate Bureau of Indian Affairs organization

21: Declaration on the Rights of Indigenous Peoples, Article 8

22: American Declaration on the Rights of Indigenous Peoples, Article 1

23: United States v. Bruce no. 03-30171, 9th CIRCUIT

24: Nardone v. United States no. 240 308 U.S. 338 (1939)

25: Bruce no. 03-30171, 9th CIRCUIT

• is "rejected" and "frivolous," when you have valid documentation, with no point of law to justify your "unpublished" decision, not only violates my substantial unalienable rights as an indigenous aboriginal, but my treaty rights, and our Cherokee Treaties; law is not a discretionary matter, especially not the law of the land, as our treaties are declared in the Supremacy Clause of the Constitution; when rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them; "internal agency regulations can not legitimate the violations of Constitutional rights;"

• the federal government is bound to carry out the obligations of such treaties in the same manner as an individual would be bound, for "tribal convictions introduced in a federal court to prove an essential element of a federal crime must be in compliance with the Constitutions of/for the United States; statutes are to be construed liberally in favor of indians with ambiguous provisions to their benefit; remains at base a canon for construing the complex treaties, statutes, and contracts which define the status of indians and indian tribes, and is not a license to disregard clear expressions of congressional intent"

• jurisdiction; which once challenged, must be proven; was challenged before, during, and after trial. the SCOTUS, Congress, our Cherokee treaties and even the legislature has declared "indian tribes retain jurisdiction over all their members, in all criminal matters" "indian tribes retain authority to govern both their members and their territory, subject ultimately to congress," and "subject to the question of exclusive jurisdiction under indian major crimes act;"

• this is not recent laws, practices, or rulings. our treaties pre-date the Constitution. SCOTUS and all courts have held the same ruling, "inmate was a member of the Cherokee Nation and was the sole party to the proceedings, under the treaties and Acts of Congress, he was only amenable to the Courts of the Nation; this ruling was made in 1891 by SCOTUS;

26: Hollowell v. Williams 1:22-cv-4534; Hollowell v. Byrne 1:22-cv-1832; Hollowell v. Dist. Ct. of N. Ga. 1:23-cv-3848

27: Marbury v. Madison no. 5, 139 (2 cranch)

28: United States v. Marole 173 F.3d 1213

29: 16 Am. Jur. 2d § 56, indian treaties

30: United States v. Cavanaugh 680 F.Supp. 2d 1062

31: Decoteau v. District Court 420 U.S. 425 (1975)

32: Duro v. Reina no. 88-6546; Public Law 102-137 (105 stat. 646) H.R. 192; Act of Congress of 1875

33: Plains Commerce Bank v. Long family land and cattle co. 554 U.S. 316

34: Duro v. Reina no. 88-6546, SCOTUS, 1990

35: in re mayfield no. 15 original 141 U.S. 107

- Indian Nations have inherent sovereignty, that pre-dates the coming of the colonizers to Ojaya Yala in the late 1400's, from the issuance of "papal bull Dum Diversas on 18, June, 1452 and bull romanus pontifex on January 5, 1455. my people already occupied this land. we still do, and still operate under the Great Law of Peace (see S. con. res. 76) which pre-dates any known settling, and was used to write the Constitution.

- your papal bull decree encouraged slavery and genocide. the Doctrine of discovery made this clear. this was all certified and sworn under the "name of God". if indigenous Nations did not accept a fraudulent authority of the Church and Crown, then my people was put to death or enslaved.

"i certify to you that, with the help of God, we shall powerfully enter into your country, and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their Highnesses, we shall take you and your wives and your children, and shall make slaves of them, and as such shall sell and dispose of them as their highness may command; and we shall take away your goods, and shall do you all the mischief and damage that we can, as to vassals who do not obey, and refuse to receive their Lord, and resist and contradict him; and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their highnesses or ours, nor of these cavaliers who come with us"

Potent Granted by king Henry VII to John Cabot and his sons (1496)

- this wager was written and is known to my people as the start of the "virgin soil epidemic" which started a lot of unnecessary war and conflict. Even Justice Marshall in "Johnson v. McIntosh 21 U.S. 543 (1823)" stated "the Indians were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and use it according to their own discretion"; Justice Reed declared in Tee-Hit-Ton v. U.S. 348 U.S. 272 (1955) that "every American schoolboy knows that the savage tribes of this continent were deprived of their ancestral ranges by force and that, even when the Indians ceded millions of acres by treaty in return for blankets, food and trinkets, it was not a sale, but the conquers will that deprived them of their land;

- our treaties were written to bind the federal government and the states to the agreement given by the Congress and Founding Fathers. then declared as Supreme Law of the Land by the Constitution. our treaties were written as peace to resolve ³⁶all conflict, as long as both sides abide by the treaty, and ³⁶treaty rights can be asserted by an individual member of the tribe

• Georgia is no foreigner to the Cherokee Nation. take a look at the Marshall Trilogy by Chief Justice John Marshall, the Marshall Trilogy is decisions from 3 cases that form the basic framework of federal indian law one case being Worcester v. Georgia (1832) where the Cherokee Nation was once again solidified as "a sovereign nation, a distinct community, occupying its own territory, and within which the laws of Georgia could have no force". this decision again established that the federal government, not the States have authority over indian affairs, that is not given to the tribes by treaty and Act of Congress, and that the Cherokee Nation retained its inherent sovereignty;

• Treaty, within limits of treaty-making power, by express words of Art VI, cl. 2, is Supreme Law of the Land, binding ³⁷ all the national and state courts, is capable of enforcement, and must be enforced by them in litigation of private rights; the "Government of United States is one of limited powers, and no department possesses any authority not granted by the Constitution" ³⁸ "it is not within the courts power to ³⁹ override the judgements of Congress. Only Congress has the authority to govern the indians by statute ⁴⁰ instead of by treaty"

• the law is clear, and irrefutable. jurisdiction was challenged on behalf of "personal jurisdiction", for the law declares my tribe NOT any DISTRICT nor state court have jurisdiction. "Subject matter jurisdiction" was challenged because the Cherokee Nation do not have any provision for punishment on the crime charged, because it does not exist, and will not exist because no crime was ever committed. "venue jurisdiction" was challenged because in order for the federal government to prosecute any indian, an Article III, court of record must be presented; treaty of 1866 - Article 13

• "jurisdiction must be proven when challenged, ⁴¹ it can not be assumed; and "since federal jurisdiction is limited, the presumption is that it is without jurisdiction unless the contrary affirmatively appears; the federal government are creatures solely of the Constitution, jurisdiction spelled out in Article III, Section 2 of the Constitution, therefore ⁴² "the court must prove on record, all jurisdictional facts related to the jurisdiction asserted;"

37: Maierano v. Baltimore And Ohio R.R., 213 U.S. 268, 29 S.Ct. 424, 53 L.Ed. 792 (1909)

38: Hepburn v. Griswold, 75 U.S. 603, 19 L.Ed. 513 (1870)

39: Lone Wolf v. Hitchcock 187 U.S.

40: Leighton v. United States, 29 Ct.Cl. 288 1894

41: Stuck v. Medical Examiners 94 Ca. 2d 751, 211, p 25-389

42: Lantana v. Hopper 102 F.2d 416

• "the law requires proof of jurisdiction to appear on the record of the administrative agency, and ⁴⁴all administrative proceedings. Any ruling made in absence of subject matter jurisdiction is a nullity"; therefore making this conviction from an "administrative proceeding" null and void, which in turn, makes this imprisonment false, or kidnapping. Indians not taxed, means that no burden or strain, charge, assessment etc; can be bestowed upon us, not even by force, threats, or intimidation techniques;

• in order for a "federal court" of limited jurisdiction to have even the first notion of authority to prosecute, interstate or intrastate commerce must have been affected, within the specific territory of the UNITED STATES. no interstate, nor intrastate commerce was affected by my actions of purchasing weapons from Arrowhead Pawn Shop. the indictment failed to allege that any interstate or intrastate commerce within the territory of the UNITED STATES was harmed / affected in any nature;

- it is a no-brainer to see that interstate nor intrastate commerce can apply here. Arrowhead's assets were not depleted in any way. there was no robbery, theft or scam. all items of nomenclature were purchased in the same manner as any normal individual would, by using hard-earned, non-slave wages;

- the community was not affected as a result of my purchases. there are no injured parties or victims;

- there was no actual, nor intended loss from Arrowhead. the Standard Operating procedure of Arrowhead was never halted, or temporarily disturbed for any period of time as a result of my purchases; and the now purchased property belongs to i, man. the pawn shop nor the Federal government nor the State have any legal or lawful ties to my real property, my Nation (Isalagi Goldfalcon Thunderbird Clan of Cherokees) does. if i sell, gift, alter, pawn, keep and bear, or even travel state to state with my collection, no one is affected in any nature.

• no law requires a man to have a license to purchase a weapon... but a license is required (not by law) to sell. this does not make any sense, even in the slightest of form;

43: Hagans v. Levine 415 U.S. 528

44: State v. Dvorak 574 N.W. 2d 442, 254 Neb. 87 (1998)

45: Article I, section 11, cl. III "Indians not taxed"; 14th amendment, Section 11, "Indians not taxed"

• "the Constitution imposes real limits on federal power: the powers of the legislation are defined, and limited, and that those limits may not be mistaken, or forgotten, the Constitution is written. it follows from the enumeration of specific powers that are real boundaries to what the federal government may do. the enumeration presupposes something not enumerated. the Constitution withhold[s] from Congress a plenary police power that would authorize enactment of every type of legislation;"⁴⁶

• the federal government "can exercise only the powers granted to it. if no enumerated power authorizes Congress to pass a certain law, that law may not be enacted, EVEN if it would not violate any of the express prohibitions in the Bill of Rights or elsewhere in the Constitution"⁴⁷ - Chief Justice Roberts (2012)

What are the powers of the federal government?

Article 1, § 8, cl. 3: to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

• Article 1, § 8, cl. 5: to coin money, regulate the value thereof, and of foreign coin, and fix the standards of weights & measures;

• Article 1, § 8, cl. 6: to provide for punishment of counterfeiting the securities and current coin of the United States;

• Article 1, § 8, cl. 10: to define and punish piracies and felonies committed on the high seas [statutes], and offenses against the laws of nations;

• Article 3, § 3, cl. 2: the Congress shall have power to declare the punishment for treason, but no Attainder of treason shall work, corruption of blood or forfeiture except during the life of the person attained;

⁴⁶: Carrol v. United States 178 Fed.2d. 749 (2011)

⁴⁷: National Federation of Indep. Bus. v. Sebelius 183 Fed 2d 450, 465-466 (2012)

• Article IV §3, cl. 2: 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 shall be so construed as to prejudice any claims by the United States, or of any particular state;

• let's be clear, for the sake of "the law of the case doctrine"; "the Constitution contains no grant, general or specific, to Congress of the power to provide for the punishment of crimes, except piracies, felonies committed on the high seas, offenses against the law of nations, counterfeiting the securities and current coin of the United States;"⁴⁸ anything outside of these 4 crimes, are reserved to the States, and the People, and will exceed the authority of Congress and legislature, via Article X, Bill of Rights;

• the necessary and proper clause can not be so construed, as to give Congress or the legislature the power not enumerated in the Constitution, or delegated by the People, for, it only "confirms Congress implied authority to enact laws in exercising its enumerated powers;"⁴⁹ Justice Hamilton (2005);⁵⁰ the Congress can not by legislation, enlarge the federal jurisdiction, nor can it be enlarged by the treaty making power either;

• "special provision is made in the Constitution for the cession of jurisdiction from states over places where the federal government shall establish Forts or military works, and it is only in these places or in the territories of the United States where it can exercise a general jurisdiction; and while Congress may legislate in respect to all and lands within limits of territories, it has no legislative control over States, and must, so far as they are concerned, be limited to authority over property belonging to the United States within their limits;"⁵¹

• this has been clear since the founding, and is law to this very day. two examples, first; let's see united states v. tully 140 f. 899 (1905) where the court proved its jurisdiction over the land where the crime had occurred, and picked up the case from the state; Second; let's see united states v. bateman 34 f. 86 (1888) where the court proved why the case had to be dismissed because it did not have jurisdiction over the land the alleged crime had taken place; neither

48: Logan v. United States 144 U.S. 263, 283 (1892)

49: Gonzalez v. Raich 545 U.S. 1n5 (2005)

50: New Orleans v. United States 35 U.S. 662 (1836)

51: Kansas v. Colorado 206 U.S. 416 (1907)

- of these courts, nor any other of a long line of cases reached any merit, without proving jurisdiction. if you force a person to trial, and "the court is without jurisdiction then it would not matter if found guilty by a jury 100 times;⁵² the conviction can not stand, there can be no fine or imprisonment. Anything outside of that is false imprisonment, or kidnapping when done with ill-intent;
- understanding all herein, the charges alleged arose under title 18 of the United States Codes. "18 U.S.C. § 7" defines maritime jurisdiction only for purposes of title 18.⁵³ subsection 7 is defined: territorial jurisdiction of the United States; high seas, and any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state...;
- the "territory or possession" of the United States; DISTRICT OF COLUMBIA; COMMONWEALTH OF PUERTO RICO, THE VIRGIN ISLANDS, GUAM AND AMERICA SAMOA as revealed in title "48 U.S.C. 1801"; the UNITED STATES DISTRICT COURT do not have jurisdiction over any crime on lands not ceded to them, or just because it is alleged to have occurred within their respective judicial districts. this is proven by title 40 U.S.C. § 3112 (c) [federal jurisdiction] which states;
 "presumption; it is conclusively presumed that jurisdiction has not been accepted until the government accepts jurisdiction over lands as provided in this section;"
- "territory jurisdiction"; the sovereign jurisdiction that a state has over the land within its limits... and over all persons and things within those areas subject to its control; Webster's⁵⁴ new international dictionary;
 "[n]o sovereignty can extend its jurisdiction beyond its own territorial limits"; "it is not the offense committed, but the place in which it is committed, which must be out of the jurisdiction of the State"; - Chief Justice Marshall;⁵⁵
 "if there has been no cession by the State of the place... the State jurisdiction still remains complete and perfect."⁵⁶

52: Maxfield's Lessee v. Levy 4 U.S. 300, 4 Dall. 330 (1797)

53: United States v. Perez-Herrera 610 F.2d 189 (1908)

54: United States v. Wong Kim Ark 169 U.S. 690 (1898)

55: People v. Godfrey 17 Johns. 225 (1819)

56: Fort Leavenworth R.R. Co. v. Lowe 114 U.S. 525, 538 (1885)

• "absent consent [to purchase], or cession, a State undoubtedly retains jurisdiction over federal lands within its territory; the federal government does not assert exclusive jurisdiction over public lands... and the State is free to enforce its criminal and civil laws on those lands"; thus, "in order for a federal court to exercise jurisdiction over a criminal action, the offense must have occurred within: [1] lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof... by consent of the legislature of the State;

• thus, it is clear. history proves that "it is true that the criminal jurisdiction of the United States (federal government) is in general based on the territorial principle; it has also been recently re-established by the SCOTUS (as this has never been forgotten), that "it is a longstanding principle of American Law that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States. When a statute gives no clear indication of an extraterritorial application, it has none;

• The legislation of Congress can not apply to lands beyond its written territory because, "the jurisdiction of a court can not extend beyond the territory belonging to the sovereignty on behalf of which it functions, and its jurisdiction may be further limited territorially by constitutional or statutory provisions, to a party only of the territory of the sovereignty to which it belongs;

• let's see "18 U.S.C. § 3231"; which reads "the district courts of the United States shall have original jurisdiction, exclusive of the Courts of the State, of all offenses against the laws of the United States";

Which also states:

• Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof;

- two things; "district court of the United States"; this phrase, this name is not the "United States District Court"; historically i will cover this difference;

57: Kleppe v. New Mexico 426 U.S. 529 (1971)

58: United States v. Perez at III legal standard - lexis 75086, no. Cr-06-001-MAG(MEJ) (N.D.C.A. 2006)

59: United States v. Florez 289 U.S. 137, 155 (1933)

60: Morris v. National Australia Bank LTD 177 Fed2d 535, 547 (2010)

61: Ballentines Law; 20 Am Jid Cts. § 153; Phillips v. Thralls 26 Kan 780, 781

• "the term "district court of the United States" [in its historic and proper sense]... has its historic significance. it describes the constitutional courts created under Article III of the Constitution. courts of the territories are legislative courts, properly speaking, and are not "district courts of the United States. we have often held that vesting a territorial court with jurisdiction similar to that vested in district courts of the United States, does not make it a "district court of the United States";⁶²

• this was made clear long before the 1900's as well. this one is 1938, SCOTUS. to bring to a later date to show a tradition and rule of law; "the words "district court of the United States", in their historic, technical sense, commonly describe constitutional courts, created under Article III of the Constitution, not the legislative courts which have long been the courts of the territories;⁶³ - this is 1952;

• to show the latter years, 1873, Federal Rules of Evidence, Rule 1101;

"the various provisions do not in terms describe the same courts [and] in congressional usage the phrase "district courts of the United States", without further qualification, traditionally has included the district courts established by Congress in the States under Article III of the Constitution, which are constitutional courts, and has not included the territorial courts created under Article IV, Section III, cl. II, which are legislative courts";⁶⁴

- Quick rule regarding the construction of statutes and rules of procedure[s];

"noscitur a sociis and ejusdem generis"; a rule of construction applicable to all written instruments;

if any particular word, taken by itself is obscure or of doubtful meaning, its obscurity or doubt may be removed by reference to associated words; - noscitur a sociis

basically [in laymans terms]

a word is known by the company it keeps; - ejusdem generis

Supreme Court Annotations, 46 LED2d 879 32⁶⁵

62: Mookini v. United States 303 U.S. 201, 205 (1938)

63: International L & W. U. v. Juneau Corp. 342 U.S. 237, 241 (1952)

64: Hornbuckle v. Tombs 85 U.S. 648, 21 Led. 966 (1873)

65: United States v. Brevan 16 U.S. 336, 4, Led 404 (1816)

- to be clear, the term "district court of the United States" means the Constitutional court created under Article III of the Constitution. the statute the courts uses to claim subject-matter jurisdiction to adjudicate is "18 U.S.C. 3231"; this statute intentionally excludes the "UNITED STATES DISTRICT COURT" created Article IV, Section III, the court of the territories, or legislative courts;
- "the UNITED STATES DISTRICT COURT [OF NORTHEAST GEORGIA (for this matter)] is not a true United States Court established under Article III of the Constitution to administer the judicial power of the United States therein conveyed. it is created under Article IV, Section III... [in] meaning, making all needful rules and regulations respecting the territory belonging to the United States [federal government]. the resemblance of its jurisdiction to that of the true United States courts... does not change its character as a mere territorial court;"⁶⁶
- Even in the FRCP Rules, that govern the procedure in all criminal proceedings in the United States District Court (rule 1(a)(1)) defines what territories the rules and statutes are enforced;
 - Rule 1(b)(9) - "State" include the DISTRICT OF COLUMBIA, Commonwealth, territory or possession of U.S.
 - Rule 26 - [A]ll federal crimes are statutory and all criminal prosecutions in the Federal courts are based on Acts of Congress;
 - Rule 54 - Act of Congress; defined as: "any act of Congress locally applicable to and in force in the DISTRICT OF COLUMBIA, in Puerto Rico, in a territory or in an insular possession

- it is made clear that it is "doubtless, the courts of a territory are not, strictly speaking, Courts of the United States;"⁶⁷ therefore, "[w]ithout jurisdiction the court can not proceed at all in any cause."⁶⁸ jurisdiction is power to declare the law, and when it ceases to exist the only function remaining to the tribunal is that of announcing the fact and dismissing the cause"⁶⁹

66: Balzac v. Porto Rico 258 U.S. 298, 312 (1921)

note: Act of May 17th, 1932 ch. 190, 47 Stat. 158 (48 USC § 732a)

Changed name of Porto Rico to Puerto Rico

67: United States v. McMillan 165 U.S. 504 (1897)

68: Union Specific R.R. v. Brotherhood 175 Fed2d 428, 445 (2009) citing Ex Parte McCordie 7 wall 506, 514 74 U.S. 506 (1869)

69: Ex Parte McCordie 7 wall 506, 514 74 U.S. 506 (1869)

- the Article V, Bill of Rights require the courts to take notice "sua-sponte" as to whether they have subject matter jurisdiction over the crime [constitutional authority], or not. Consequently, defects in subject matter jurisdiction⁷⁰ require correction regardless of whether the error was raised in district court;

- "non article III courts [can] enforce federal criminal laws in special geographical areas where pursuant to clause 17, it functions as a State government";⁷¹ this function is one of a long line of precedents that stems from a downfall of a Nation. SEE the [Erie Railroad Co v. Tompkins 304 U.S. 64 (1938)] where it was made clear that "there is no federal general common law. Unless specifically governed by the Constitution or Act of Congress, the law to be applied, is the law of the State."

- yet, it was made clear that, "the United States [federal government] lacks the police power and this was reserved to the States by the 10th amendment [Article X, Bill of Rights] is true."⁷² because the police power is controlled by 50 different States instead of one national sovereign [corporation], the facets of governing that touch on citizens daily lives are normally administered by smaller governments closer to the governed. the Framers thus insured that powers which in the ordinary course of affairs, concern the lives, liberty, and properties of the People were held by governments more local and more accountable than a distant federal bureaucracy;⁷³

- "the independant power of the States serves as a check on the power of the federal government, by denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power;"⁷⁴ it has been settled over the centuries of this American System, and has not been forgotten;

- "ignorance of the law is no excuse for men in general. it is less an excuse for men whose special duty is to apply it, and therefore to know and observe it. when they enter such a domain dealing with the citizens rights, they should do so at their peril, whether that be created by State or Federal law, for their sworn oath and first duty are to uphold the Constitution;"⁷⁵

70: United States v. Cotton 535 U.S. 625, 630 (2002)

71: United States v. Jenkins, 734 F.2d 1322, 1325, 1326 (1983) citing United States v. Palmore 414 U.S. 389 (1973)

72: Hamilton v. Kentucky Distilleries & warehouse co. 251 U.S. 146, 156 (1919)

73: James Madison, the Federalist no. 45 at 293

74: Bond v. United States 131 Sct. 2355 (2011)

75: Screws v. United States 325 U.S. 91, 129-130 (1944)

* Under the 14th amendment, there is a clear and distinct, definite difference between those who were born in lands subject to the jurisdiction of the United States [territorial lands] which are "[C]itizens of the United States, and those who were born within the jurisdiction of a Union State [sovereign], which are "[C]itizens of the United States; then you have the Indians, who are declared "Indians not taxed" (sec. 11);

- a [C]itizen of the United States; born within federal territory, or outside of this land mass, and obtained citizenship upon emigration; protected under the due process clause of the 14th amendment;
- a [C]itizen of the United States, born on this land mass, within state limits, the Sovereign whom is protected by the 10 Articles of the Bill of Rights, and by their own Union State Constitution;
- Indians are not taxed, we are not citizens of the United States;

• The SCOTUS has made this distinction very well known and clear. "the distinction between citizenship of the United States and citizenship of a United State is clearly recognized and established;"⁷⁶ they also ruled time and time again that "Indians are not citizens of the United States within meaning of the 14th amendment;"⁷⁷ and "are entitled not to be subject to the criminal authority of sovereigns of which they were not and could not become full members;"⁷⁸ for "Indian tribes retain jurisdiction over all their members, in all criminal matters;"⁷⁹

• both the 14th amendment and 8 U.S.C. § 1401 (a) provide that: "persons born in the United States [territory], and subject to the jurisdiction thereof, are [C]itizens of the United States;"⁸⁰ according to the doctrine of jus soli; pg. 662 "a person is born subject to the jurisdiction of the United States, if his birth occurs in territory over which the United States is sovereign;"⁸¹

jus soli; Latin, "right to soil," "right of the soil," and is defined as, "the principle that a person's

nationality at birth is determined by the territory within which he was born;" - Collins English dict.

76: United States v. Wong Kim Ark, 169 U.S. 649, 676-677 (1898)

77: Elk v. Wilkens, 112 U.S. 94

78: Means v. Navajo Nation 432 F.3d 924

79: Duro v. Reina, supra

80: 3A Am Jur 2d § 1419

81: 3A Am Jur 2d § 1420

• "therefore, the citizen of the United States [Federal government] residing in one of the States of the Union are classified as property and franchises of the federal government, as an individual entity;" ⁸² no one can volunteer to be a federal citizen. the law has been clearly established. any "presumption" or "contractual agreement" which the territorial courts derive from illegal taxes or voter registration, is null and void as it was not knowingly and willingly entered into, especially if said contractual document does not come with full disclosure, this in turn, is fraud by concealment, and grounds to vitiate any contract;

• in 1999, Bill Clinton, signed executive order 13132, re-establishing the form of government called FEDERALISM [FEDERALISM existed back in 1803, during which Marbury v. Madison precedent was ruled by SCOTUS] and described when and how corporate federal laws can preempt laws passed by State legislators. yet, he also made it clear that the "People of the States are FREE, subject only to restrictions in the Constitution itself, or in Constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives;" [Section 2 (d)]

* with all herein asserted, not only proven, but well established law, the People, have the right, and can only be tried in an Article III "district court of the United States," created by Congress, the Constitutional courts of the United States.

• to be a court of record, a Superior court, the court must possess and present these 4 characteristics (5 is optional)

- 1: a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated to hold it;
- 2: proceedings are held according to the course and rules of the Common Law, which is the Constitution;
- 3: its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony;
- 4: has power to fine, and imprison for contempt;
- 5: generally possesses a seal (optional); ^{"83}

• in an Article III court of record, the decision is final on all courts. no court, not even a Supreme Court can second guess a court of record. once the jury convicts, sets the punishment, and restitution (if any), it can not be tried again in any court.

82: Wheeling Steel Corp. v. Fox 298 U.S. 193, 80 L. ed. 1143, 56 S. Ct. 773

83: Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex Parte Gladhill, 8 Metc. Mass. 171, per Shaw, C.J.

See also; Ledwith v. Rosalsky, 244 N.Y. 406, 155, N.E. 688, 689;

See also; Black's Law, 2nd, 3rd, 4th, 5th, 6th Editions; (4th ed. pg. 425-426

• the SCOTUS has also clarified this law, time and time again. "the decisions of an inferior court are subject to collateral attack" in other words, in a Superior Court, one may sue an inferior court directly, rather than resort to appeal to an appellate court. decision of a court of record may not be appealed. it's binding on all other courts. However, no Statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgement of a court of record. the judgement of a court of record, who's jurisdiction is final, is as conclusive on this court as it is on other courts. it puts an end to inquiry concerning the fact, by declaring it;^{"84}

• as i have already shown the difference of an Article III "district court", and a territorial legislative Article IV, sec. III "DISTRICT COURT"; the other major distinct difference is two key words mentioned above; "Statutory and Constitutional";

"an article III, Constitutional court, moves according to the course and usage of the Common law. its jurisdiction is spelled out in Article III, Section 2 of the Constitution. the Court is governed by Maxims, and enforced by the People;

"a statutory [nisi prius] administrative proceeding; a court of very limited jurisdiction. jurisdiction is presumed not to exist unless proven affirmatively, and must show on the record of all proceedings. a statutory court moves according to "statutes, rules, codes, regulations, and policies, not the law of man. a legislated act is not the law of man, nor of the land. this type of court requires consent, prior to proceeding. this court has no power to fine or imprison, a court of inferior dignity;"^{"85}

-the law has been clearly established, for it is written. the expressions "due process of law" and "law of the land" have the same meaning. the law intended by the Constitution is the Common Law that had come down to us from our forefathers, as it existed and was understood and administered when that instrument was framed and adopted^{"86}

• Sovereignty remains with the People. Since "sovereignty remains with the People and resides with the People, no action can be taken against a sovereign in the non-constitutional courts of either the United States or the States, and any such action is considered the crime of barratry;"^{"87}

84: Ex Parte Watkins, 3 pet. at 202-203 - citing in SCHNECKLOTH v. BUSTAMONTE 412 U.S. 218, 255 (1973)

85: Black's Law 2nd, 3rd, 4th, 5th, 6th; Ex Parte Thistleton 52 cal. 225; Erwin v. U.S.D.C. Georgia F. 488, 2 L.R.A. 299; Thomas Fletcher C.C.G.A. 244, 482

86: State v. Doherty 60 MAINE 504, 509 (1872)

87: United States v. Williams 112 S.Ct. 1735 (1992)

88
• "the very meaning of sovereignty is that the decree of the Sovereign makes law." it is the public policy of this State [Georgia] that public agencies exist to aid in the conduct of the People's business... the People of this State do not yield their Sovereignty to the agencies which serve them... At the revolution, the Sovereignty devolved on the People, and they are truly the Sovereigns of the country, but they are sovereign without subjects... with none to govern but themselves" 89

• the Constitution [Preamble] and the Declaration of Independence makes this very clear, also SCOTUS in a long line of precedents. they have ruled over and over again that "the People are in fact Sovereign and not the States or the Government." they also went on to define that local, state and federal law enforcement officers were committing unlawful actions against the Sovereign People by the enforcement of the laws, and are personally liable for their actions" 90

• As the SCOTUS has made clear; "the Common law is the real law the Supreme Law of the Land. the Code, Rules, Regulations, policy, and statutes are not the law;" regulations cannot defeat law, for regulations were not laws of the United States within removal act, therefore, "regulation must conform to law, when law exist upon Subject;" they have also ruled that, "a statute is not a law" "a code is not a law," and, "in point of fact in Law, a concurrent or joint resolution of legislature is not Law;" all codes, rules, and regulations are for government authorities only, not human/creators in accordance with God's laws. all codes, rules, and regulations are unconstitutional and lacking due process..." 91 92 93 94 95 96 97 98

• "Any constitutional provision intended to confer a benefit should be liberally construed in favor in the clearly intended..."

88: American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213, U.S. 347, 53 LEd. 826 [19 Ann. Cas. 1047]

89: Chisholm v. Georgia, U.S. 2 Dall. 419, 454, 1 LEd. 440, 445, @dall. (1793) p.p. 471-472

90: Bond v. UNITED STATES, 529 U.S. 334 (2000)

91: Self v. Rhay, 61 Wn (2d) 261

92: Bong v. Alfred S. Campbell Art. Co. 214 U.S. 236

93: Beck v. Johnson 169 F. 154, 1909

94: Phelps v. Siegfried 142 U.S. 602

95: International R. Co. v. Davidson 257 U.S. 506; Flournoy v. First Nat. Bank of Shreveport, 199 La. 1067, 3 sold 244, 248

96: In re Self v. Rhay Wn 2d 261

97: Koenig v. Flynn 258 N.Y. 292, 179 N.E. 705, 707; State ex rel. Todd v. Yelle, 7 Wash. 2d 443, 110 P.2d 162, 165

98: Rodriguez v. Roy Donovan (U.S. Dept. of Labor) 769 F.2d 1344, 1348 (1985)

• And expressly designated beneficiary. then a Constitution should receive a literal interpretation in favor of the [C]itizen, is especially true, with respect to those provisions which were designed to safeguard the liberty and security of the [C]itizen in regard to person and property;

"Since the Constitution is intended for the observance of the judiciary as well as other departments of government and the judges are sworn to support its provisions, the Courts are not at liberty to overlook or disregard its commands or counteract evasions thereof, it is their duty in authorized proceedings to give full effect to the existing Constitution and to obey all constitutional provisions irrespective of their opinion as to the wisdom or the desirability of such provisions and irrespective of the consequences, thus, it is said that the courts should be in our alert to enforce the provisions of the United States Constitution and guard against their infringement by legislative fiat or otherwise in accordance with these basic principles... if the Constitution prescribes one rule and the statute the other in a different rule, it is the duty of the courts to declare that the Constitution and not the statute governs in cases before them for judgment

-therefore, "Statutes which would deprive a [C]itizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land." ¹⁰¹ "all laws repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument, as it is the Supreme Law of the Land."

• the 11th circuit has made it clear as well; ¹⁰³ the court determines "clearly established law" from the SCOTUS, the Eleventh circuit, and the Georgia Supreme court; yet, the Northern District federal court has proven that they will not follow any laws that are clearly established in their "kangaroo Courts." A kangaroo court is a "sham legal proceeding in which a person's rights are totally disregarded and in which the result is a foregone conclusion because of the bias of the court or other tribunal." [Black's Law, 6th ed. pg. 868]; this malfeasance is conspiracy to commit treason against the Constitution, and perjury of their sworn oaths to uphold it, with malice;

99: 16 Am Jur 2d., sec. 97; Bary v. United States 273 U.S. 128

100: 16 Am Jur 2d., sec. 155

101: Hoke v. Henderson, 15 N.C. 15, 25 AM Dec 679

102: Marbury v. Madison, 5 U.S. 137 (1803)

103: Thomas ex rel. Thomas v. Roberts 323 F.3d 950, 955 (11th Cir. 2003) cited in Fields v. Gwinnett Cnty. Police Officer House (N.D. Ga. May 17th 2023)

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• the government in the trial court did not prove that i was dealing firearms as a regular course of trade or business. the evidence presented showed a collection of firearms, occasional sales, exchanges, clandestine activity, opportunity, financial incentive, and day-to-day activities. no evidence shown had any firearm i own being disposed of for criminal purposes, nor for the principal objective of livelihood and profit;

• the prosecutor Norman L. Barnett admitted on record, August 23rd 2022, that this matter, the alleged crimes, are my Second Amendment right to exercise. yet i was sentenced to 46 months imprisonment. this is an outlier of your legal traditions that deprive and rob the People of fundamental rights with no pre-deprivation process. "shall not infringe" restrains a legislature, prosecutor, judge/magistrate and even Congress the ability to infringe that right through Acts, legislature, rulings, or unconstitutional, statutory prosecutions;

• "while that judicial deference to legislative interest balancing is understandable and elsewhere appropriate, it is not the deference the Constitution demands;¹¹⁴ while "end-justifies-the-means" rationalizations should generally be understood as antithetical to the rule of law, Bruen, now leaves no doubt that such rationalizations have no place in our Second Amendment jurisprudence."¹¹⁵

• in Heller,¹¹⁶ SCOTUS ruled "the Second Amendment does not by its own force apply to anyone but the federal government. it means that it shall not be infringed upon by Congress";¹¹⁷ the alleged crimes "selling firearms without a licence" and "false statements" by signing a form, are outliers that your founding fathers any my ancestors would have never accepted. you're restricting of the People's free liberty, and contradicting the fundamental rights protected by the Second Amendment's outer bounds of the right to "keep and bear arm[s]";

• the government failed to justify or prove that their regulations are consistent with the nations historical traditions of firearm regulation. only then may a court conclude that the individual's conduct falls outside the Second Amendment's unqualified command.¹¹⁸

114: Bruen, cited by SCOTUS in United States v. Harris

115: Bruen, no. 20-843, June 23rd 2022

116: DISTRICT OF COLUMBIA v. Heller 554 U.S. 570

117: United States v. Cruikshank, cited by SCOTUS in Heller 554 U.S. 570

118: Bruen, no. 20-843, June 23rd 2022

• for a federal prosecutor to admit that he is convicting and imprisoning an innocent man for the exercise of a pre-existing constitutionally protected right, is highly unlawful, and not acceptable in any court;

"the United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. For this reason the SCOTUS cautions that the prosecutor is in a peculiar and very definitive state of sense, the "servant of the law." he may prosecute with earnestness and vigor, indeed, he shall do so. but while he may strike hard blows, he is not at liberty to make foul ones. thus, it is as much his duty to refrain from improper methods calculated to produce a wrongful conviction, as it is to use every legitimate means to bring about a just one;" ¹¹⁹

• in layman's terms, "no court can acquire jurisdiction to try a person for an act made criminal only by an unconstitutional law, and thus, an offense by an unconstitutional statute, is no longer a crime, and conviction under such statute can not be a legal cause for imprisonment;" ¹²⁰ and "a prosecution's use of a defendant's exercise of his constitutional rights against him, may amount to prosecutorial misconduct," ¹²¹ yet "i was convicted and imprisoned when" ¹²² "a court must declare that the Constitution and not the statute governs in cases before them for judgement";

• the law is not discretionary. Even if for some reason it was discretionary, the fact that a matter is discretionary does not prevent it from being a matter affecting a substantial right. ¹²³ the well known rule of the DISTRICT COURT is to apply the laws as the SCOTUS declares them to be. ¹²⁴ the Courts of Appeals is bound to follow decision of SCOTUS. it is not clear to how the 11th CIRCUIT can freely ignore, reject, overrule, valid laws, the Constitution, and Treaty violations just to hold an innocent man behind bars. the conviction and imprisonment is unconstitutional. the law is clear. 400+ years. nothing can change the history. the court is required by LAW, to release Jol'Von-Montell: Hollowell, dismiss the charges, and compensate him for damages, and all injuries suffered from this unconstitutional conviction, and false imprisonment;

119: United States v. JEUNE U.S. 2021 Lexis 25102

120: State v. Benzel 583 N.W. 2d 763 67 Ark. App 262 (1999)

121: United States v. Lawrence 735 F.3d (2013)

122: 16 Am. Jur. 2d; sec 32B

123: United States v. Hampton, cited by SCOTUS in Hayman 342 U.S. 205

124: Hattleman v. Madden 88 F.2d 858, 33 Am. B.R. (n.s) 266 (1937)

i have complied with you every request, and have spent a lot of money to have you, as a Clerk, "feel" as if you have the authority to make any legal and/or lawful determination when you are not a Justice, and it is not your job.

you have recieved enclosed;

- in forma pauperis form - Rule 39
- the form in order as YOU require it to be
- the habeus writ in order as required by Rule 24.1

thus, there should be no need for this writ, to not be filed. you and your Solicitor General have both recieved this writ by one-day mail, price of \$61.68 together, as you have previously sent my documents back to me, for "none was sent to the Solicitor General," i just did not have the money to send both packages, one-day priority mail.

- the exceptional circumstances that warrants the exercise of this Supreme Court's power has been detailed in full herein [see enclosed writ, treaties, and Notice of Redress]
- adequate relief have been sought, and all denied by the lower courts, and sealed from the Public's eye. a claim has been filed within the Court of Federal Claims, case # 1:24-cv-711 because of their actions. Rule 20.1
- i have exhausted all remedies that i have available to me as a Cherokee National, foreign diplomat, that exist under the Constitution and our Treaties. the law reads that i can come before this Court, for all violations to our treaties, and you are denying me my right to redress.

Please govern yourselves accordingly, ignorance of the law is no excuse for no man;

~~JoVon-Montell: Hollowell~~
Isalayi Tribal (Cherokee)

JoVon-Montell: Hollowell

— without prejudice —