

No. 24-100

In the
Supreme Court of the United States

DOUGLAS ALAN DYSON,

Petitioner,

v.

TIFFANY DEAKINS, WHITLEY COUNTY AUDITOR, ET AL.

Respondents.

On Petition for a Writ of Certiorari to the
Court of Appeals of Indiana

REPLY BRIEF OF PETITIONER

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September 6, 2024

SUPREME COURT PRESS

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BOSTON, MASSACHUSETTS

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INTRODUCTION

Respondent's Counsel presented legal argument(s) based on false representation of law and fact, constituting dishonesty toward this Court and contrary to the mandatory oath to support the United States Constitution and the Indiana Constitution, in violation of Rules of Profession Conduct, Rule 3.1 & 3.3.

The disdain of the Trial Court, Indiana Court of Appeals, Indiana Supreme Court and Counsel for the Respondents, toward this Pro se Petitioner manifest itself in actions that Just-us is their modus operandi.

Recorded and verified under the pains and penalties for perjury is Petitioner's Reply App.1(a)-16(a) document that was served upon Chief Justice Loretta Rush of the Indiana Supreme Court identifying misconduct and to date she has turned a blind eye and a deaf ear to it.

Petitioner will now show how the Respondent's Counsel is endeavoring to mislead this Court on law and facts.



STATEMENT OF COUNSEL IS MISLEADING

A Notice of Tax Sale (Pet.App.50a-55a) was served specifying that the Respondents would apply on or after 09/15/2023 for a court Judgment in the Whitley County Circuit Court against my allodial owned property for the amount listed therein. The notice stated that any defense was to be filed before

09/15/2023. The defense was served by suit, that was brought against the Respondents under case number 92C01-2309-MI-000824 on 09/08/2023 (Pet.App.27a-45a) with a demand for Seventh Amendment Constitutional Judicial Proceeding according to the course of the common law and for a judgment of my peers. On 09/18/2023 the Respondents applied for a judgment in case number 92C01-2309-TS-864, (Pet.App.18a-20a) the trial court then commingled my defenses from my suit without making a proper determination of liability for property tax, then entering a judgment and Order of Sale (Pet.App.24a) without a Judicial Proceeding or judgment of my peers, nor the Respondents answering the defense and the trial court refusing my right to cross examination of Auditor Tiffany Deakins. (App.15a-16a)

The fraudulent and misleading statements of Respondent's counsel would lead you to believe that Petitioner filed an Affidavit of formal Complaint and Defense under cause number 92C01-2309-TS-864 which is a lie and false as stated above.

A. Petitioner's Response to Respondent's Arguments are Substantively Without Merit

1.

Petitioner's Response: 1st The Petition did not arises out of the Petitioner's refusal to pay property taxes. 2nd Petitioner's did not fail to pay property taxes, Petitioner was not liable for property taxes.

Petitioner stated his property was not within the subject matter jurisdiction of Indiana Code § 6-1.1-2-4 liability for tax, to subject Petitioner to liability for property tax. Ind. Code § 6-1.1-2-4(d) limits the appli-

cation to property occupied under a memorandum of lease or other contract that is recorded with the county recorder and occupied by a different person other than the owner of the land.

Respondents made a departure from the limits and terms of jurisdiction in Indiana Code § 6-1.1-2-4. And the Indiana Court of Appeals & Indiana Supreme Court have ignored this departure from the limits and terms of jurisdiction.

Respondents also made a departure from the limits and terms of jurisdiction in Ind. Code § 6-1.1-24-3(c)(1)(2) & Ind. Code § 6-1.1-24-1(d). The precise language of the statutes limits the application of both statutes to a mortgagee or purchaser under an installment land contract recorded in the office of the county recorder for; one to be lawfully served a notice of tax sale.

Our Indiana Supreme Court, in the case of *State ex rel. Pollard v. Superior Court of Marion County*, 233 Ind. 667, 122 N.E.2d 612, (1954), stated: A departure from the limits and terms of jurisdiction in a statute is usurpation of power that imparts no validity whatever to its judgments and decrees. Works, § 10, p.28, and authorities cited. Hence, we have the generally accepted rule that, when a court proceeds without jurisdiction of the subject-matter, its judgment is wholly void. *See, also, Steiner v. Ft. Wayne Community Schools*, 245 Ind. 410, 199 N.E.2d 340 28 (1964).

This is why Petitioner challenged the application of the laws as it relates to him and his property. Petitioner has owned both legal and equitable title, absolute ownership in fee simple under conventional ownership for private use from day one. The petitioner

has no memorandum of lease or other contract that is recorded with the county recorder, the property isn't occupied by a different person other than the owner of the land. Petitioner has his mere ownership of the property for his use only.

The right to own and hold property cannot be made the subject of an excise/property tax because to tax by reason of the ownership of property is to tax ownership itself. *Covell v. City of Seattle*, 127 Wash. 2d 874, 905 P.2d 324 (1995). An "ad valorem tax" is a tax levied on property or an article of commerce in proportion to its value as determined by assessment or appraisal. *Westervelt v. Woodcock*, 15 N.E.3d 75 (Ind. Ct. App. 2014).

2.

The petitioner's response: On September 8th, 2023, Petitioner did file his "Affidavit of Formal Complaint and Defense" objecting to the tax sale of his property by bringing suit on Respondents, under cause number 92C01-2309-MI-824. On the basis that Petitioner's Property commonly known as 3630 E. State Road 14, Columbia City, Indiana 46725 was not within the subject matter jurisdiction of Indiana Code § 6-1.1-2-4. liability for tax, to make Petitioner liable for the property tax. Because the precise language of the statute limits its application to property occupied under a memorandum of lease or other contract that is recorded with the county recorder & occupied by a different person other than the owner of the land. Again the right to own and hold property cannot be made the subject of an excise/property tax because to tax by reason of the ownership of property is to tax ownership

itself. Wash.—*Covell v. City of Seattle*, 127 Wash. 2d 874, 905 P.2d 324 (1995).

Whitley County Circuit Court comingled Petitioner's "Affidavit of Formal Complaint and Defense" objecting to the tax sale of his property into cause number 92C01-2309-TS-864, dismissed cause number 92C01-2309-MI-824, held a hearing ignoring (Indiana Code § 6-1.1-2-4. liability for tax) & the precise language of the statute Ind. Code § 6-1.1-2-4(d) failing to determine if Petitioner was even liable for property tax.

Instead, the Court held a hearing pursuant to Ind. Code 6-1.1-24-4.7, denied Petitioner his right to cross examine Whitley County Auditor on how she determined Petitioner was liable for property tax per Ind. Code § 6-1.1-2-4, & how Whitley County Auditor determined Petitioner was liable to be lawfully served a notice of tax sale per Ind. Code § 6-1.1-24-3(c)(1)(2) & Ind. Code § 6-1.1-24-1(d), and issued an Order finding Petitioner's objection to the tax sale invalid.

Ind. Code § 6-1.1-4-1 gives direction to Ind. Code § 6-1.1-2-4 to establish liability for the property tax, *See, Marion County. Assessor v. Kohl's.*, LP 179 N.E.3d held:

Accordingly, the Court finds that the word taxpayer as used in Sections 15-1 and 15-3 means a person who is subject to, or liable to pay, the real property tax under Indiana Code § 6-1.1-2-4, liability for tax. *See also, State Bd. of Tax Com. v. South Shore Marina*, 422 N.E.2d 723 (Ind. Ct. App.1981). Cited 25 times held: Central to the dispute here on appeal is Indiana Code § 6-1.1-2-4. Liability for tax, which lists those taxpayers liable for the property tax. This proves

Ind. Code § 6-1.1-2-4 establishes liability for the property tax, not Ind. Code 6-1.1-24-4.7.

Respondent's Counsel claims: violated Ind. Professional Conduct Rule 3.3(a)(1) by asserting facts of jurisdiction when he knows, or reasonably should know, that no such jurisdictional facts exist. Even if a lawyer has no duty to disclose the whole truth, he does have a duty not to deceive the trier of fact, an obligation not to hide the real facts behind a facade. 393 F. Supp. at 1060. *See, In re Sullivan*, 283 Ala. 514 (Ala. 1969) Cited 18 times: It makes crystal clear that no attorney will, be permitted to practice fraud upon a court, his client, and society by asserting facts of jurisdiction when the attorney knows, or reasonably should know, that no such jurisdictional facts exist.

3.

Petitioner's response to Respondents claim: While its true Petitioner filed his Notice of Appeal in the Indiana Court of Appeals seeking review of both 92C01-2309-TS-864 and 92C01-2309-MI-824, On January 9, 2024, the Petitioner filed his Brief of Appellant. On February 7, 2024, Respondents filed their Motion to Dismiss on the grounds that Petitioner violated the Indiana Rules of Appellate Procedure and failed to present a cogent argument.

The Indiana Court of Appeals did not grant Respondents Motion on March 4, 2024. The Indiana Court of Appeals dismissed, claiming that the Petitioner violated some Rule of Appellate Procedure but the Indiana Court of Appeals refused to state specifically what rules. So, Petitioner filed a Motion to Reconsider, challenging this unstated rules which the Indiana Court of Appeals denied on March 19, 2024, falsely

claiming Petitioner failed to timely file his appeal under rule 9.(A)(5). On April 8, 2024, Petitioner filed a Petition to Transfer to the Indiana Supreme Court, which transfer was denied on June 19, 2024. Pet.App. 1a. The Petition for Writ of Certiorari followed on July 25, 2024.

Respondents. Counsel's claims: violated Ind. Professional Conduct Rule 3.3(a)(1) Respondent's Counsel false statement of fact: The Indiana Court of Appeals granted on March 4, 2024, Respondents Motion to Dismiss on the grounds that Petitioner violated the Indiana Rules of Appellate Procedure and failed to present a cogent argument, is an outright lie.



REASONS FOR GRANTING THE PETITION

I. PETITIONER'S RESPONSE TO COURT DOES NOT HAVE JURISDICTION

1.

Petitioner's Response: First, Art. III § 2 of the United States Constitution provides that the federal courts have jurisdiction over cases arising from federal laws; Petitioner has cited 84 C.J.S. Taxation § 151 [Real property and appurtenances and interests therein] (2021) Federal constitutional law. The petitioner has cited many sections of Federal constitutional law, that have been ignored and unanswered by the Respondents, Appellate and Indiana Supreme Courts so Art. III § 2 of the United States Constitution grants jurisdiction over this case. The Northwest Ordinance of 1787 is Federal law itself.

The Indiana Supreme Court ruled unanimously in *State v. \$2,435 in U.S. Currency*, 220 NE 3d 542 (2023), “In theory, we could trace Indiana’s jury-trial right back to the Northwest Ordinance of 1787, which (following its readoption by Congress in 1789) subjected the territory to the federal Judiciary Act of 1789. The Ordinance guaranteed to the territorial inhabitants the benefits of trial by jury and of judicial proceedings according to the course of the common law. Judiciary Act of Aug. 7, 1789, ch. 8, 1 Stat. 50, art. II (readopting Ordinance of July 13, 1787), reprinted in 1 U.S.C. LVII (2018). That charting document likewise subjected the territory to all the acts and ordinances of the United States in Congress assembled. *Id.* at art. IV. When Indiana joined the Union in 1816, the right to trial by jury under the state’s new constitution was a pre-existing right from the territorial period, i.e., as it existed under the Northwest Ordinance, & according to the course of the common law. *Reynolds v. State ex rel. Titus*, 61 Ind. 392, 407 (1878). And when Indiana adopted the Constitution of 1851, the jury-trial right as it was under the 1816 constitution.

Indiana Code 34-38-1-1 states, “The printed statute books of: (1) Indiana; (2) the late Territory of the United States North West of the River Ohio; and (3) the territories of Indiana and Illinois; purporting to be printed under the authority of the state or territory is evidence in all courts and places of the facts contained in the statute books.” and Indiana Code 34-38-4-1 states, “Every court in Indiana shall take judicial notice of the common law and statutes of every state, territory, and other jurisdiction of the United States.”

The Trial Court, Indiana Court of Appeals and the Indiana Supreme Court has ignored Petitioner’s

right to a judicial proceeding according to the course at common law and a trial by jury of my peers and Respondents stood mute on this issue which needs to be settled by this United States Supreme Court.

These rights are protected by United States Constitution Article VI, Amendment VII and Amendment IX. Without the intervention of this Court to enforce the right to a judicial proceeding according to the course at common law and a trial by jury of my peers Petitioner will be without a remedy, causing irreparable harm and left with no remedy at law.

2.

Petitioner's Response: Second, 28 U.S.C. § 1257(a) provides the United States Supreme Court has appellate jurisdiction over final judgments or decrees by the highest court of a State if the decision involved the validity of a treaty or statutes of the United States or the validity of a state statute is drawn into question for being repugnant to federal law. Here Petitioner has cited 84 C.J.S. Taxation § 151 and state law has been applied in direct contravention of 84 C.J.S. Taxation § 151 constitutional prohibitions.

3.

Third, 28 U.S.C. § 1651 provides the United States Supreme Court authority to issue all writs necessary or appropriate in aid of its respective jurisdiction, and it does confer additional jurisdiction on the United States Supreme Court to protect, defend, and uphold the Supreme Court's constitutional rulings, the Constitution, and Federal constitutional law.

4.

Fourth, Rule 20 of the Rules of the United States Supreme Court sets forth the procedure for issuance by the Court of an extraordinary writ by 28 U.S.C. § 1651 stating the issuance should be “sparingly exercised.” Sup. Ct. R. 20. However, Rule 20 cannot be reasonably interpreted to confer any jurisdiction on the Court as the rule is entirely procedural.

Should this Court not grant this Petition for Writ of Certiorari and determine subject matter jurisdiction to determine under Ind. Code § 6-1.1-2-4 as it relates to U.S. Const. Art. I, § 8, cl. 3, of my fee simple absolute ownership private property held in conventional ownership for my personal use, would not make it possible for private property ownership. If one can only own subject to a tax, there is no absolute private ownership of property.

II. PETITIONER'S RESPONSE TO PETITIONER FAILS TO PRESENT POINTS REQUIRING RECONSIDERATION WITH ACCURACY, BREVITY, AND CLARITY

Petitioner has clearly stated with Accuracy, Brevity, and Clarity. The Trial Court, Indiana Court of Appeals and the Indiana Supreme Court has ignored all State and Federal law presented.

Like Article 2 of the Northwest Ordinance Art. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law

The guaranty of the rights and immunities of a citizen that insures to him or her the Right/privilege of having those rights and immunities judicially declared and protected. *See*, 16A C.J.S. Constitutional Law § 1207. Fourteenth Amendment *Corpus Juris Secundum* 2021.

III. PETITIONER'S RESPONSE TO PETITIONER FAILS TO PRESENT COMPELLING REASON FOR REVIEW

Petitioner's Response: This is patently false Petitioner has clearly stated with Accuracy, Brevity, and Clarity. First, Nowhere in the Petition for a Writ of Certiorari is the word exempt or exemption mentioned therein which is another lie and a fraud upon the court, violating Ind. Professional Conduct 3.3(a)(1). Had Attorney Barnard read the Petition he would have seen the claim of not taxable on page 17 supported by Federal constitutional law.

Second, The Trial Court, Indiana Court of Appeals and the Indiana Supreme Court have ignored all State and Federal law presented. They have failed to even address Article 2 of the Northwest Ordinance and failed to address Federal constitutional law, and ruled contrary to U.S. Supreme Court rulings: *Bromley v. McCaughn*, 280 U.S. 124, 132 (1929) ("From the above-cited cases it appears that the use of property is distinguishable from the ownership of property and that indirect taxes may properly be based upon the use. *Gregg Dyeing Company v. Query et al*, 166 S.C. 117, 119 (S.C. 1931) The mere right to own and hold property cannot be made the subject of an excise tax, because: ("To levy a tax by reason of ownership of property is to tax the property itself: *Pollock v. Farmers Loan Trust Co.*, 157 U.S. 429, 15 S. Ct. 673,

39 L. Ed. 759 (1895), *Flint v. Stone Tracy Co.*, 220 U.S. 107, 31 S. Ct. 342 (1911), *Zonne v. Minneapolis Syndicate*, 220 U.S. 187, 31 S. Ct. 361 (1911), *McCoach v. Minehill Railway Co.*, 228 U.S. 295, 33 S. Ct. 419 (1913), *United States v. Emery*, 237 U.S. 28, 35 S. Ct. 499 (1915).



CONCLUSION

The Petition for Writ of Certiorari should be granted.

Respectfully submitted,

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September 6, 2024

**REPLY BRIEF
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Dyson Affidavit Regarding the Impropriety of
Judge Matthew's Conduct
(November 13, 2023) Reply.App.1a

Reply.App.1a

**DYSON AFFIDAVIT REGARDING
THE IMPROPRIETY OF
JUDGE MATTHEW'S CONDUCT
(NOVEMBER 13, 2023)**

2023110187
ROSEMARY BROWN
WHITLEY COUNTY RECORDER
CALIFORNIA CITY, IN
\$25.00 TX: 4039691
11/13/2023 10:06:53 AM
Recorded as Received

**VERIFIED NOTICE OF CREDIBLE
INFORMATION OF GIVING KNOWLEDGE, OF
WHITLEY COUNTY CIRCUIT COURT JUDGE
MATTHEW'S IMPROPRIETY, THAT
RESULTED IN CONSPIRACY TO THE
DEPRIVATION OF MY RIGHTS, AND DEMAND
FOR REPORTING THIS TO THE
APPROPRIATE AUTHORITY(S)**

To: Chief Justice Loretta Rush
Indiana Supreme Court
200 West Washington Street
Indianapolis, Indiana 46204
FedEx #7740 8239 8557

To: Staff Director Mauro Albert Morales
U.S. Commission on Civil Rights
1331 Pennsylvania Ave., NW, Suite 1150
Washington, D.C. 20425
FedEx #7740 8287 7335

Reply.App.2a

I, Douglas Alan Dyson, a man, one of we the people, a declared and recorded non-citizen national, under the pains and penalties for perjury under the laws of the United States of America to be true and correct, give Verified Notice of Credible Information of Giving Knowledge, of Whitley County Circuit Court Judge Matthew Rentschler's Impropriety, that resulted in Conspiracy to the Deprivation of my Rights, and Demand for Reporting this to the Appropriate Authority(s).

LET ALL MEN KNOW BY THESE PRESENTS, that this is Chief Justice Loretta Rush's Verified Notice of Credible Information of Giving Knowledge,¹ of Whitley County Circuit Court Judge Matthew Rentschler's Impropriety², and Demand for Reporting this to the Appropriate Authority(s)³, and criminal statute 18 U.S. Code § 44— Misprision of felony, for

¹ Ind. Code of Judicial Conduct, Terminology, “Knowingly,” “knowledge,” “known,” and “knows” mean actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.

² Jud. Cond. R., Terminology, “Impropriety” includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge’s independence, integrity, or impartiality.

³ Jud. Cond. R. 2.15, (A) A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question regarding the judge’s honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority*.

⁴ Title 18 United States Code § 4, Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military

Reply.App.3a

willfully conspiring to deprive my rights under criminal statutes Title 18 U.S. Code § 241⁵ & 242⁶, upon the

authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

5 Title 18 United States Code § 241, If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

6 Title 18 United States Code § 242, Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to

Reply.App.4a

following verified notice of credible information giving knowledge to-wit:

Co-conspirators Whitley County Circuit Court Judge Matthew Rentschler, Whitley County Auditor Tiffany Deakins, Attorney Matthew Shipman, Attorney Andrew Boxberger and Amanda Delkta, hereinafter, "Co-conspirators", plotted to willfully enter into a conspiracy to deprive my rights, contrary to the rule of law, to compromise the integrity and undermine the public confidence in the Judiciary, putting to question the judiciary and legal profession's promotion for access to justice for all. The "Conspirator's" willful improprieties include violations of law, court rules, rules of evidence, Code of Judicial Conduct, Rules of Professional Conduct and Constitutional Law.

The substantial⁷ evidence of this plotted conspiracy to willfully deprive by fraud,⁸ of rights of my fee simple alodial property is well documented in case number 92C01-2309-MI-824, filed 9/8/23 & case number 92C01-2309-TS-000864 filed on 9/18/23 in the Whitley County Circuit Court.

Prior to filing on 9/8/23 my Affidavit of Formal Complaint and Defense in case number 92C01-2309-MI-824 in the Whitley County Circuit, hereinafter "Original Suit", with my demand for seventh amend-

kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

⁷ Ind. Professional Conduct Rule 1.0, (I) "Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.

⁸ Prof. Cond. R. 1, (d) "Fraud" or "fraudulent" denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.

Reply.App.5a

ment Judicial Proceeding according to the course of the common law and for a judgment of my peers, enshrined in the 1816 Enabling Act Passed at the First Session of the Fourteenth Congress of the United States, U.S. Statutes at Large III, 289-291: Provided, That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original states, I was served by Whitley County Auditor Tiffany Deakins a "Notice of Tax Sale", that states in part: "Pursuant to the laws of the Indiana General Assembly, notice is hereby given . . .", without stating specifically what law, and was denied the right to cross examine regarding the same.

By expanding the "Front Matter" then expanding "Organic Laws" of the Office of the Law Revision Counsel⁹ web site, regarding the United States Code, enshrines in The Declaration of Independence 1776, Articles of Confederation 1777, Ordinance of 1787: The Northwest Territorial Government, and Constitution of the United States, defining the foundational principles of what all laws are to be built upon.

On August 7th, 2023 Notice by Affidavit to Amend Tax Certified Statement For Waiver and Renunciation of Claim was recorded and served upon Whitley County Auditor Tiffany Deakins, and Whitley County Attorney Matthew Shipman in blatant disregard for Ind. Professional Conduct Rule 8.4, Misconduct, and the rule of law responded:

⁹ <https://uscode.house.gov/browse/frontmatter&edition=prelim>

Reply.App.6a

"I have received the Notice referenced above. The Auditor is not required to and will not answer the notice you have filed. Like everyone else, you will continue to get a property tax bill and if you do not pay the taxes, your property will be eligible for the property tax sale. Your "land patent" has no legal meaning under the law and has no affect on your property taxes. Please consider this email your requested response."

Being served the "Notice of Tax Sale" prior to filing the "Original Suit", on August 28, 2013, I made demand to Whitley County Auditor Tiffany Deakins, to make proper tax identification of "Not Taxable" to my fee simple alodial property, with attached consideration pursuant to Ind. Code § 36-2-9-18, which states in part "the auditor shall make the proper endorsement on demand". In the file is Whitley County Auditor Tiffany Deakin's letter dated August 28, 2023, rejecting to make the change and \$10.00 payment, stating she would send my request to Whitley County Attorney Matthew Shipman, who then willfully with conduct involving dishonesty, fraud, deceit, and misrepresentation in the promotion of this conspiracy, advised against making the proper tax identification, contrary to the law while knowing, I hold the title to my property in fee simple alodial estate under conventional ownership of both legal and equitable title, not ever having a mortgage or line of credit secured by the property, not under lease, not under land contract, not a corporation and not held for an investment, by his

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impropriety of Prof. R. 8.4, Misconduct¹⁰, and willful conspiracy against the rule of law.

“Co-conspirator” Whitley County Circuit Court Judge Matthew Rentschler in bad faith did because of his impropriety of his oath of office, Code of Judicial Conduct and rule of law, under the color of law of Ind. Code § 6-1.1-24-4.7, that does not determine liability, by

10 Prof. Cond. R. 8.4, It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
- (g) engage in conduct, in a professional capacity, manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, sexual orientation, age, socioeconomic status, or similar factors. Legitimate advocacy respecting the foregoing factors does not violate this subsection. A trial judge’s finding that preemptory challenges were exercised on a discriminatory basis does not alone establish a violation of this Rule.

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his discrimination, prejudice, bias, and impropriety, having been given knowledge that Ind. Code § 6-1.1-4-1 determines the place of assessment and person liable¹¹, that states Ind. Code § 6-1.1-2-4 determines the liability for the tax, supported by *Marion Cnty. Assessor v. Kohl's.*, LP 179 N.E.3d (Ind. T.C. 2021)¹², did knowingly and willfully deprive my rights in Case number 92C01-2309-TS 000864 by entering a judgment order of sale of my fee simple alodial property, on September 18, 2023, finding that “No sufficient defense has been made to show why judgment should not be entered against these tracts or items of real property for delinquent taxes;” all without notice to me, no hearing, without a Judicial Proceeding according to the course of the common law, jury of my peers and due process, because of his impropriety toward United States Code, Title 18 § 241 & 242, Jud. Cond. R. 1.1—Compliance with the Law, Jud. Cond. R. 1.2—Promoting Confidence in the Judiciary, Jud. Cond. R. 2.2—Impartiality and Fairness, Jud. Cond. R. 2.3—Bias, Prejudice, and Harassment, Jud. Cond. 2.6—Ensuring

11 Real property shall be assessed at the place where it is situated, and it shall be assessed to the person liable for the taxes under IC 6-1.1-2-4. [Pre-1975 Property Tax Recodification Citation: 6-1-25-1.]

12 *Marion Cnty. Assessor v. Kohl's.*, Ind., LP 179 N.E.3d 1 (Ind. T.C. 2021) held: Accordingly, the Court finds that the word “taxpayer” as used in Sections 15-1 and 15-3 means a person who is subject to, or liable to pay, the real property tax under Indiana Code § 6-1.1-2-4 liability for tax. *Also See: Marina* 422 N.E.2d 723 (Ind. Ct. App. 1981) Cited 25 times held: Central to the dispute here on appeal is Ind. Code 6-1.1-2-4 which lists those taxpayers liable for the property tax.

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the Right to Be Heard and Jud. Cond. R. 2.8, to be patient, dignified, and courteous to litigants.

All named Co-conspirators named herein were given notice to 84 C.J.S. Taxation § 151 Real property and appurtenances and interests therein, on conventional ownership controls in any conflict with lesser laws, such as statutes, local ordinances, administrative regulations,³ and case law.⁴ Per: 16 C.J.S. Constitutional Law § 8. Conformance of statutory and common law to constitution.

The documents in the “Original Suit”, was on September 22, 2023 maliciously recategorized with 92C01-2309-TS-000864 Tax Sale case filed in the Whitley County Circuit Court, giving me one (1) day notice of a hearing, set for September 26, 2023 at 3:30 p.m., with “Co-conspirator” Whitley County Attorney Matthew Shipman filing an appearance, I filed an Affidavit of Fact to Take Judicial Notice and “Co-conspirator” Whitley County Circuit Court Judge Matthew on that same day again, issued an order for sale of my fee simple alodial property, to willfully deprive my rights under the color of law, of a judicial proceedings according to the course of the common law, secured by the Seventh Amendment, U.S. Statutes at Large III, 289-291, a jury of my peers, deprived me of property without due process, of a fair hearing, freedom of speech, freedom of association, freedom of religion, right to cross examine affiant Whitley County Auditor Tiffany Deakins, all because of their impropriety toward United States Code, Title 18 § 241 & 242, Jud. Cond. R. 1.1—Compliance with the Law, Jud. Cond. R. 1.2—Promoting Confidence in the Judiciary, Jud. Cond. R. 2.2—Impartiality and Fairness, Jud. Cond. R. 2.3—Bias, Prejudice, and Harassment, Jud.

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Cond. 2.6—Ensuring the Right to Be Heard, Admis. Disc. R. 3.3—Candor Toward the Tribunal, Admis. Disc. R. 3.4—Fairness to Opposing Party and Counsel, Admis. Disc. R. 4.1—Truthfulness in Statements to Others, Admis. Disc. R. 8.4—Misconduct.

The misconduct under the color of law of the “Co-conspirator’s discrimination, prejudice, and bias, is evident because of my religion, disability to practice law and socioeconomic status of not being an attorney, because of their willful impropriety toward Jud. Cond. R. 1.1—Compliance with the Law, Jud. Cond. R. 1.2—Promoting Confidence in the Judiciary, Jud. Cond. R. 2.2—Impartiality and Fairness, Jud. Cond. R. 2.3—Bias, Prejudice, and Harassment, Jud. Cond. 2.6—Ensuring the Right to Be Heard, Admis. Disc. R. 3.3—Candor Toward the Tribunal, Admis. Disc. R. 3.4—Fairness to Opposing Party and Counsel, Admis. Disc. R. 4.1—Truthfulness in Statements to Others, and Admis. Disc. R. 8.4—Misconduct.

The “Order of the Court” stated it reviewed the “Affidavit of Formal Complaint and Defense” authorizing Whitley County to proceed with the Tax Sale, however as stated in the Transcript “Co-conspirator” Whitley County Circuit Court Judge Matthew Rentschler said on page 3 that he had not had a chance to read the filed Affidavit of Fact to Take Judicial Notice, then began to badger me and question over and over what my intent was to call Whitley County Auditor Tiffany Deakins to testify, then denying my request, and threatening “We’re going to have a problem if every time I speak and before I stop talking, you interrupt me, that’s going to be a problem. You’ve done it four or five times already” (which the record does not show it) all because of his

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impropriety to Jud. Cond. R. 1—Compliance with the law, Jud. Cond. R. 2.6—Ensuring the Right to Be Heard and Jud. Cond. R. 2.8, to be patient, dignified, and courteous to litigants.

No findings of fact and conclusion of law nor hearing was set for the Affidavit of Fact to Take Judicial Notice filed September 26th, 2023 or ruling on Motion to Set Hearing for the Filed Affidavit of Fact to take Judicial Notice filed September 27th, 2023, because of his willful impropriety toward Jud. Cond. R. 1.1—Compliance with the Law, Jud. Cond. R. 1.2—Promoting Confidence in the Judiciary, Jud. Cond. R. 2.2—Impartiality and Fairness, Jud. Cond. R. 2.3—Bias, Prejudice, and Harassment, Jud. Cond. 2.6—Ensuring the Right to Be Heard, Admis. Disc. R. 3.3—Candor Toward the Tribunal, Admis. Disc. R. 3.4—Fairness to Opposing Party and Counsel, Admis. Disc. R. 4.1—Truthfulness in Statements to Others, Admis. Disc. R. 8.4—Misconduct, Ind. Trial Rules, and Ind. Evidence Rules.

A Motion to Correct the Errors upon the record, to set aside judgment for Tax Sale, and to find the facts specifically and state it's conclusions of the law thereon was filed October 24, 2023 and denied by "Co-conspirator" Whitley County Circuit Court Judge Matthew Rentschler on October 27th, 2023, without any findings, conclusions, hearing, or opposition from the opposing parties, in bad faith because of his impropriety of his oath of office, Code of Judicial Conduct and rule of law, under the color of law, that willfully deprived my rights of a judicial proceedings according to the course of the common law, secured by the Seventh Amendment, U.S. Statutes at Large III, 289-291, a jury of my peers, deprived me of property

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without due process, of a fair hearing, freedom of speech, freedom of association, freedom of religion, right to cross examine affiant Whitley County Auditor Tiffany Deakins, all because of his willful impropriety toward Jud. Cond. R. 1.1—Compliance with the Law, Jud. Cond. R. 1.2—Promoting Confidence in the Judiciary, Jud. Cond. R. 2.2—Impartiality and Fairness, Jud. Cond. R. 2.3—Bias, Prejudice, and Harassment, Jud. Cond. 2.6—Ensuring the Right to Be Heard, Admis. Disc. R. 3.3—Candor Toward the Tribunal, Admis. Disc. R. 3.4—Fairness to Opposing Party and Counsel, Admis. Disc. R. 4.1—Truthfulness in Statements to Others, Admis. Disc. R. 8.4—Misconduct, Ind. Trial Rules, and Ind. Evidence Rules, all without proving subject matter jurisdiction of the claim.

On October 26th, 2023 both “Co-conspirators” Andrew Boxberger and Amanda Delekta filed their Appearances Form in “case number 92C01-2309-TS-864 stating “The following case is not related to any other cases” and on October 27th, 2023 “Co-conspirator” Attorney Matthew Shipman withdrew his appearance.

On September 28th, 2023 both “Co-conspirators” Andrew Boxberger and Amanda Delekta filed their Appearances Form in the “Original Case” stating “The following case is not related to any other cases” for the Respondents, and made a Motion for Enlargement of Time which was granted the same day.

On October 25th, 2023, “Co-conspirators” Andrew Boxberger and Amanda Delekta filed a Motion to Dismiss and on October 26th, 2023 “Co-conspirator” Whitley County Circuit Court Judge Matthew Rentschler, in bad faith because of his impropriety of his oath of office, Code of Judicial Conduct and rule of law, under the color of law, willfully deprived my

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rights of a judicial proceedings according to the course of the common law, secured by the Seventh Amendment, U.S. Statutes at Large III, 289-291, a jury of my peers, deprived me of property without due process, of a fair hearing, freedom of speech, freedom of association, freedom of religion, right to cross examine affiant Whitley County Auditor Tiffany Deakins, all because of his willful impropriety toward Jud. Cond. R. 1.1—Compliance with the Law, Jud. Cond. R. 1.2—Promoting Confidence in the Judiciary, Jud. Cond. R. 2.2—Impartiality and Fairness, Jud. Cond. R. 2.3—Bias, Prejudice, and Harassment, Jud. Cond. 2.6—Ensuring the Right to Be Heard, Admis. Disc. R. 3.3—Candor Toward the Tribunal, Admis. Disc. R. 3.4—Fairness to Opposing Party and Counsel, Admis. Disc. R. 4.1—Truthfulness in Statements to Others, Admis. Disc. R. 8.4—Misconduct, Ind. Trial Rules, and Ind. Evidence Rules, before I had an opportunity to respond to it.

The Order Dismissing the “Original Suit” stated “The Court having, considered the same, and being otherwise duly informed, DISSMISSSES the Plaintiff’s Complaint”, and being otherwise duly informed is proof of the conspiracy against rights which is criminal activity prohibited by Title 18 U.S. Code § 241 & 242 and punishable by fine and imprisonment. Contrary to Jud. Cond. R. 2.2, “A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard,” and Jud. Cond. R. 2.9 (3) (C) “A judge shall not investigate facts in a matter independently, and shall consider only the

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evidence presented and any facts that may properly be judicially noticed," perhaps the independence and impartially was influenced by the Office of Judicial Administration just as Lilian Judson did against me when she was with the State Court Administration before retiring, for my disability to practice law and socioeconomic status of not being an attorney.

The "hierarchy of Law" is defined by I.C. § 1-1-2-113

The question to Indiana Supreme Court Chief Judge Loretta Rush, having this Verified Notice of Credible Information of Giving Knowledge, of Whitley County Circuit Court Judge Matthew Rentschler's Impropriety, that resulted in Conspiracy to the Deprivation of my Rights, and Demand for Reporting

13 Sec. 1. The law governing this state is declared to be:

First. The Constitution of the United States and of this state.

Second. All statutes of the general assembly of the state in force, and not inconsistent with such constitutions.

Third. All statutes of the United States in force, and relating to subjects over which congress has power to legislate for the states, and not inconsistent with the Constitution of the United States.

Fourth. The common law of England, and statutes of the British Parliament made in aid thereof prior to the fourth year of the reign of James the First (except the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth,) and which are of a general nature, not local to that kingdom, and not inconsistent with the first, second and third specifications of this section.

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to the Appropriate Authority(s) is, will you report this criminal activity to the appropriate authorities, to restore honesty, trustworthiness, integrity, ethical standards, and impartiality to restore public confidence in the judiciary that has eroded by the improper conduct of the “Co-conspirators” and their conduct that creates the appearance of impropriety, or will you abscond your oath of office and duties to the Code of Judicial Conduct?

The “Conspirators,” exercising the privilege to practice law in this State did not comply with the obligation to behave at all times in a manner consistent with the trust and confidence reposed in them by the Indiana Supreme Court in a manner consistent with the duties and responsibilities as an officer or judge of the courts of this State. Any conduct that violates the Rules of Professional Conduct or the Code of Judicial Conduct or any standards or rules of legal and judicial ethics or professional responsibility in effect in Indiana at the time of the alleged misconduct shall constitute grounds for discipline.

Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government? if it is closed upon him and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe or to take this oath becomes equally a crime. *Marbury v. Madison*

This Verified Notice of Credible Information of Giving Knowledge, of “Co-conspirator” Whitley County Circuit Court Judge Matthew Rentschler’s Impropriety, that resulted in Conspiracy to the Deprivation of my Rights, and Demand for Reporting this to the Appropriate Authority(s) is given, unlike section 371

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and other conspiracy statutes, section 241 does not require an agreement to violate a criminal statute. Pg. 32 DOJ Journal of Federal Law and Practice. These rights commonly include those associated with housing, the enjoyment of public accommodations, voting, traveling, and attending school. Section 241 charges can, therefore, be an effective tool in many bias-motivated crime prosecutions. All of the above-named parties had lawful notice a number of times that my fee simple allodial property, is not liable for the tax under Indiana Code § 6-1.1-2-4, that defines liability for a tax, and Article 1 section 8 of the United States Constitution, but continued their prejudice, bias and harassment against I, Douglas Alan Dyson.

Lawfully submitted,

/s/ Douglas Alan Dyson

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