

24-5374

No. \_\_\_\_\_

FILED

JAN 05 2024

OFFICE OF THE CLERK  
SUPREME COURT U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Latressa Railback

— PETITIONER

(Your Name)

vs.

STATE OF IOWA et al

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IOWA SUPREME COURT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Latressa Railback; Living Woman

(Your Name)

*Attorney in Fact*

3423 S.W. 8TH STR.

(Address)

DES MOINES, IOWA; POLK COUNTY, 50315

(City, State, Zip Code)

515-423-1654

(Phone Number)



# FEDERAL QUESTIONS (Rule 14(1)(a))

1. As a natural-living woman, personal jurisdiction falls under Natural Rights or federal common law, which is within the purview of federal law under the US Supreme Court, and regarding subject matter jurisdiction, Article III, Section 2, Clause 2 of the Constitution declares: "In all cases involving Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction." Additionally, the issue of lack of subject matter jurisdiction can be raised at any stage and in any form during the proceedings, as affirmed in *Lloyd v. State*, 251 N.W.2d 551 (Iowa 1977), which challenged the Iowa district court's jurisdiction over the case. Iowa Rule 1.281 applies to expedited civil actions when the total damages claimed are \$75,000 or less, ensuring jurisdiction remains in the district court. Claims surpassing this amount are typically not subject to this rule. The U.S. Federal Rules of Evidence 201 are applicable.
2. In addition to the pattern of events alleged in this case, reports show that there have been many others with, sometimes, similar allegations resulting in serious injuries. Reports suggest that since 2013, there have been around 119 police-involved deaths in Iowa, with 94-95 involving people of color, the youngest being 16 years old; numerous reports allege excessive force, with the youngest case reportedly being a 13-year-old girl mishandled by a male officer; and racial profiling regarding People with brown or darker skin tones. If, as reported, Iowa attorney general had not prosecuted any officer in force-related cases since 2004, this raises concerns about potential conflicts of interest and a lack of public official diligence in holding alleged perpetrators accountable, and could be perceived as injustices; as a result, the State and Governor had been added to the case.
3. Did the Iowa District Court have the authority to preside over the case once consent, which is required by 5 U.S.C. 556(6)(7), was revoked by way of requests for Motion to Change Venue/Jurisdiction and due to lack of jurisdiction and possible vested interest, allegedly, where original and concurrent jurisdiction is presumed to be in the Supreme Court (Article 3, Section 2, Clause 2), and identity (Fed Rule 26), Jury Trial (5th, 6th, 7th, and 14th amendments), Injunctive Relief, among others, were allegedly denied when requested by the Plaintiff. Although video footage of the apparent home invasion and the date/time of the incident were submitted to the Police Department/OPS, and forwarded, presumably, to the legal department; however, the principal defendants remain unidentified, and the case was prematurely proved on the 73rd day after submission to court, although 90 days plus an extension is allowed according to the plain language of the Iowa Rule 1.302(5), and there was no certificate of service in accordance with Iowa Court Rule 1.442(7).
4. While both the U.S. Constitution and the Iowa State Constitution claim to be the supreme law of the land, the Supremacy Clause in Article VI seems to give federal law precedence over state law, as seen in *United States v. Hemis*, 79 M.J. 370. This case affirms that the Constitution ensures criminal defendants have a meaningful opportunity to present a complete defense. Moreover, "The right of access is founded on the Due Process Clause and guarantees the right to present to a court of law allegations concerning the violation of constitutional rights," as established in *Smith v. Maschner*, 899 F.2d 940 at 947 (10th Cir. 1990). Given that the defendants have constitutional rights and a guaranteed present their allegations, shouldn't the exculpable be afforded the same guarantees when violations are presumed to have occurred?
5. As it relates to the previous question If the Supreme Court has determined certain actions to be criminal and punishable by law in previous cases, it could be argued that the Iowa court may have erred in denying a case when constitutional law is implicated, as seen in *Godfrey v. State and Bivens v. Six Unknown Named Agents*. In common law legal systems, blackletter laws are established legal rules that are certain and indisputable. Blackletter law is clear and well-known, encompassing well-established case law and the fundamental components of a legal subject. As it relates to the previous question, essentially, it pertains to legal concepts that are ancient, significant, and unquestionable.
6. Judges must recuse themselves in any proceeding where their impartiality could be reasonably questioned. Recusal is mandated when the likelihood of actual bias by the judge is constitutionally intolerable. "When a judge acts outside of their jurisdiction, they are engaging in acts of treason." This is stated in *US v. Will*, 449 US 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980) and *Cohens v. Virginia*, 19 US (6 Wheat) 264, 404, 5 L.Ed 257 (1821). A judge loses absolute immunity from damage actions only when acting outside all jurisdiction or performing a non-judicial act, as per *Schucker v. Rockwood*, 846 F.2d 1202. Any justice, judge, or magistrate must recuse themselves in any proceeding where their impartiality could be reasonably questioned. Recusal is mandated when the likelihood of actual bias by the judge or decision-maker is constitutionally intolerable.
7. There was neither an implied nor an explicit contract; the plaintiff's submission was merely to secure a docket number to initiate the process. However, the defendants remain unidentified, and the case advanced more swiftly than the rules permit for judicial oversight. According to 5 U.S.C. 556(d)(6)(7), the consent of all parties may be necessary for a judge to oversee a case. Furthermore, alleged conflicts of interest ought to result in disqualification due to vested interests. Consent is usually a crucial element in lawful contracts. Judges and justices are required to be bonded, hold current oaths, and, where relevant, keep foreign registrations to practice law up-to-date. The Iowa district court is obligated to adjudicate cases based on their merits, with evidence presented supporting the facts of the case. Recusal is implied when necessary.
8. A written request for recusal of a judge due to possible conflicts of interest concerning the Merit Selection System that allows the Governor to hire judges in the state of Iowa; and also for a presumed lack of jurisdiction, which may imply that there was no consent for the judge or court to preside over the case. As determined in *Melo v. U.S.*, 505 F.2d 1026, the proceedings must stop if the court finds it does not have jurisdiction. If a judge refuses to recuse themselves, there is an established procedure to ensure the substantive and procedural due process of law is maintained as it relates to the previous question, considering that the district court judge was hired as judge by a defendant in the case and likely worked alongside other defendants in the case, does this create an unfair advantage or disadvantage in this case; or conflict of interest, and should the judge have recused.
9. "A court does not have the jurisdiction to determine its own jurisdiction, as a fundamental issue in any case before a tribunal in its power to act, and a court must have the authority to decide that question initially," as stated in *Rescue Army v. Municipal Court of Los Angeles*. Furthermore, "Jurisdiction can be challenged at any time, and once challenged, it cannot be assumed and must be decided," according to *Main v. Thiboutot*. "Once challenged, jurisdiction cannot be assumed; it must be proven to exist," as held in *Basso v. Utah Power & Light Co.* "A court cannot confer jurisdiction where none

- existed and cannot make a void proceeding valid. It is clear and well-established law that a void order can be challenged in any court," as stated in *Old Wayne Mutual Life Association v. McDonough*. Additionally, "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings," as required by *Hagens v. Lavine*.
10. When the trial proceeded, neither the plaintiff nor their representatives were present because the petition had been withdrawn, the court lacked jurisdiction and the electronic filing system may have had issues with its links. Can there be an Ex Parte meeting without the plaintiffs or any representatives for the plaintiffs?
  11. A trial cannot proceed without the proper parties present, and not only were the Plaintiff not present, but the principal alleged Tortfeasors have not been identified, as required by Iowa Rule 1.201, 1.401 and 1.405(1). If the principal defendant remains unidentified, a response cannot logically be provided. Furthermore, Iowa R. App. P. 6.903(6) and Federal Rules 10 and 43 require the defendant's presence or a plea/admission, making the identification of the defendant crucial. In situations where only the judge and the defendant's attorneys are present, without witnesses or evidence, the testimony could be contested as hearsay or lacking direct knowledge. Additionally, such testimony would likely be inadmissible if a Motion/Notice for Discovery had been issued, requiring the attorneys to disclose the identity of the principal defendant. Brady violations could be a concern, and adverse inference might apply if proceedings begin without identifying the accused, especially given previous complications.
  12. Accountability is mandated for government employees or members if constitutional or federal law is breached. Misconduct can result in the loss of qualified immunity. Therefore, it is imperative to hold government employees or members accountable if they violate constitutional or federal laws. The Foreign Agents Registration Act also necessitates that records be kept for all federal employees, including oaths and bonding information.
  13. When a government officer intentionally damages property by entering without urgent need, consent, notification, or a warrant, especially if armed, it could endanger unaware homeowners. Such conduct might be deemed burglary, which has led to fatalities in the past. If this compromises someone's reputation, mental, emotional, physical, spiritual, and financial health, it could be seen as creating an injured party, as per the U.S. Supreme Court's ruling that a crime requires an injured party and no penalties can be imposed for exercising constitutional rights (*Sherar v. Cullen*, 481 F.2d 945). This is in line with the principles established in *Mugler v. Kansas*, 123 U.S. 623, 659-60.
  14. Home invasions disrupt peace and may violate the intruder's oath or contract if they have broken established laws. Justice Louis D. Brandeis, in *Gilbert v. Minnesota* (1920), stated that the First Amendment protects the privacy of the home. As seen in *Biven v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), and *Godfrey vs. State*, 962 N.W.2d 84, 96 (Iowa 2021), regarding the 4th, 5th, 6th, 8th, 9th, 14th amendments and the state equivalent, allegedly; furthermore, remedies for violations of Blackletter law, the Bill of Rights/Constitution, and statutory violations can be sought. The Second Amendment and various state and local laws uphold the principle of protecting one's property from intruders, potentially leading to perilous situations for unsuspecting homeowners, and qualified immunity may be lost under 11th amendment.
  15. Furthermore, the case should arguably have been transferred to an appropriate jurisdiction when it involved the governor and the state, especially in instances of constitutional violations and when the dispute exceeds \$75,000, as the Iowa district court may not have jurisdiction. Tampering with evidence is a criminal act under 18 USC 1512, subject to legal consequences. The Iowa District Court's removal of submissions could be perceived as an attempt to hide alleged errors and rights infringements. Such conduct could be viewed as a violation, potentially leading to the dismissal and punishment for violators. Further, the justices who were not revealed to the plaintiffs until post-trial, possibly violated the plaintiffs' constitutionally protected due process rights. The governor's appointment of all judges and justices, reportedly granting one a salary 128% above their peers, could indicate a conflict of interest.
  16. The lawsuit seeks \$288 million from the State of Iowa/Ambassador, the City of Des Moines, and its subdivisions, including the Police Department, Neighborhood Services, and the City Attorney's Office, as well as from the accused employees in both their official and personal capacities for direct and/or indirect damages/injuries. The Foreign Agents Registration Act (22 U.S.C. 611 et seq.) requires records for all federal employees, including oaths and bonding details.
  17. Given that the officer parked down the street, consistent with the direction they entered the property, despite available parking closer to the residence, and circumvented the front door without notifying the occupants or obtaining consent, this could imply premeditation or prima facie evidence of *actus reus* and *mens rea*. The Second Amendment, along with supportive state and local laws, grants individuals the right to protect their property against intruders.
  18. Government employees are generally obligated to report searches, seizures, or inspections, and failure to do so could be perceived as a breach of fiduciary duties or as deceptive behavior. Illegally obtained data may be deemed the tainted "fruit of the poisonous tree." If a city attorney uses unclaimed or undelivered certified notices as evidence, it could suggest that the attorney had knowledge that a violation of due process may have ensued. Likewise, submitting home surveillance footage to the legal department as evidence could result in a Brady violation if the material is beneficial. Attorneys must disclose unconstitutional actions, and failure to do so may result in penalties, including compensatory and punitive damages, as well as legal fees, as outlined in 18 U.S.C 2382.
  19. The described events may be perceived as retaliatory: Since June 2023, police officers in both marked and unmarked vehicles have reportedly parked in front of the plaintiff's home and on their typically quiet street between 20 to 50 times allegedly. The case was filed in May 2023 with the Iowa district court, and officers have been observed speeding away to evade video or photo evidence. The most recent incident occurred in 2024, additionally, city workers taped the trash/recycling bins and placed them in the center of the driveway, the household's water supply was cut off, and the supervisor has declined to issue a true bill to confirm the total amount owed, which may have been taxed or settled by other means. Furthermore, child support payments, currently the household's sole income, have been allegedly withheld. On August 8th, 2024, an additional incident involved 10-15 large trash vehicles driving consecutively down the plaintiff's street, which could have potentially cause damage to the road, which may have a weight limit. These

actions, among others, are claimed to harass the household members who are attempting to hold the Iowa government accountable for purported crimes against them after initiation of case LACL155681.

20. After receiving a voicemail on January 20, 2023, about an upcoming lawsuit, and following the dispatch of a preservation letter on January 3, 2023, the City Attorney is accused of creating case DMCIC1009795 on February 15, 2023, possibly as a retaliatory measure. Prosecuting an individual without informing them and bypassing due process is illegal and may be deemed malicious prosecution. This matter is significant because it appears the judge may not have addressed the allegations in the petition or perhaps adjudicated the incorrect case, potentially DMCIC1009795; additionally, given that on, or about, June 30, 2023, the petition for LACL155681 was allegedly retracted by the district court/clerk and was not refiled until August 2023, it is unclear which petition was used.
21. As a homemaker, newly established small home-based business owner since approximately 2021, homeschooler for about ten years, and a single parent, the Appellant has endured significant hardship due to this case. It has impacted their life, liberties, property, pursuit of happiness, reputation, spiritual, mental, emotional, physical well-being, and financial stability, among others. Having exhausted all avenues through "Find A Lawyer" and "Google Search" without securing representation, the Petitioner was compelled to self-represent as Attorney-in-Fact/Pro Se/Sui Juris. This has been particularly challenging for the Appellant, who lacks legal expertise after a 20-year career in Healthcare. They have suffered physical symptoms like migraines, joint aches, and eye strain, and mental challenges such as anguish, anxiety, and depression, causing significant disruptions in their life, liberty, pursuit of happiness, property enjoyment, security, and normalcy. Moreover, homeschooling and new business initiatives have suffered, with household finances strained by decreased income and expenses from printing, certified mail, and other case-related costs. Despite extensive efforts, video evidence, and documented pursuit of justice for alleged criminal acts by government officials, rights violations, damage to real property, and community reputation through presumed slander and fraud, as detailed in the petitions, a comprehensive investigation under federal and state laws is warranted.
22. Regarding the previous question, 42 U.S.C. 1983, 1985, 1986, and 18 U.S.C. 241, 242, 245, among others, do provide remedies for violations of the U.S. Constitution and for conspiracy when acts are carried out by government officials under the presumption of law. Additionally, it is accurate that judges, justices, and other government employees have a fiduciary duty to the U.S. Constitution, which encompasses the Bill of Rights, thereby establishing a fiduciary duty to the people.
23. Given that home surveillance footage, complete with date and time, was purportedly submitted to the police and communicated to the legal department through email/text exchange, it seems reasonable to contend that identifying details should have been revealed in accordance with Iowa Rules 1.500 and 1.503(1), as well as Federal Rule 26. Typically, all parties have the right to be informed of the judge or justice presiding over their case before the trial begins. Not disclosing this information until after the hearing could infringe upon both substantial and procedural due process of law. Moreover, under 18 U.S. Code 505, a judgment is usually not enforceable without a judge's or justice's signature, which authenticates the court's order. If the attorneys and court refused or denied the plaintiff's Motion for Discovery, it could constitute a violation of due process if the request for information was denied.

**LIST OF PARTIES (Rule 14(b)(i))**

- ☐ All parties appear in the caption of the case on the cover page.

(X) All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

➤ **Plaintiff/s / Advocate on behalf of the Injured Party**

- Latressa Railback (Living/Breathing/Standing Majority (Iowa Rule 1.225))
  - Attorney in Fact/Advocate
  - Class of One/Act of One
  - Pro Se Representative
  - Sui Juris

➤ **Defendant/s / In their official and/or official/personal capacities, the Alleged Conspirators are as follows:**

**Tortfeasors:**

- CO- Conspirator 1: JOHN DOE, Policeman;
- CO- Conspirator 2: JANE DOE, City inspector;
- CO- Conspirator 3: Joshua Raleigh, City inspector;
- CO- Conspirator 15: CITY ATTORNEY Jeffrey Lester on behalf of Molly Tracy, assistant City Attorney for the City of Des Moines, who is accused of conspiring with Joshua Raleigh to create a case against the homeowners.

**Employer / Supervisors:**

- CO- Conspirator 4: Supervisor of JOHN DOE, Unknown
- CO- Conspirator 5: Supervisor of JANE DOE, Unknown
- CO- Conspirator 6: Supervisor of Joshua Raleigh, Chris Heilskov
- CO- Conspirator 15: Supervisor of Molly Tracy, Jeffrey Lester

**Municipalities / Leaders:**

- CO- Conspirator 7: MAYOR Thomas Michael Franklin Cownie
- CO- Conspirator 8: CITY OF DES MOINES
  - CO- Conspirator 9: CITY MANAGER Scott Sanders
- CO- Conspirator 10: DES MOINES POLICE DEPARTMENT
  - CO- Conspirator 11: CHIEF OF POLICE Dana Wingert
- CO- Conspirator 12: DES MOINES NEIGHBORHOOD INSPECTION DIVISION
  - CO- Conspirator 13: CITY DIRECTOR Chris Johansen
- CO- Conspirator 14: DES MOINES LEGAL DEPARTMENT
  - CO- Conspirator 15: CITY ATTORNEY Jeffrey Lester / Molly Tracy
- CO- Conspirator 16: STATE OF IOWA (DUNS/Bradstreet 828089701 Business Entity)
  - CO- Conspirator 17: GOVERNOR Kimberly Reynolds

#### RELATED CASES

- Latressa Railback et al v State of Iowa et al; NO. LACL155681; District Court for Iowa, Polk County. Judgement entered July 28, 2023.
- Latressa Railback et al v State of Iowa et al; NO. 23-1276; Appeal Court for Iowa; Polk County, Judgement entered Decembere 29, 2023.
- Latressa Railback et al vs State of Iowa et al; NO. 23-1276; Supreme Court for Iowa; Polk County, Judgement entered January 26, 2024.

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IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the LOWER COURT/IOWA DISTRICT COURT court appears at Appendix B to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was JANUARY 26, 2024. A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED Rule 14.1(f)

FTCA, ITCA, FALSE CLAIM ACT Civil Rights, Fair Housing Act, Fraud Civil Remedies Act, false claim act, IED, treble, libel, tampering with evidence, tampering with victim, Punitive damages, economic and noneconomic, compensatory, speculative, special, constitutional torts. Commercial tort/businesses, statutory respectively, retaliation, pain and suffering and actual property damages; and others for both federal and state respectively.

This action seeks maximum declaratory judgment and remedy in the form of restitution for damages, statutory damages, torts and others. Additionally, adjudication as prescribe by law for each respective violation and tortfeasor in accordance with Iowa Code Ch. 901; 18 U.S.C. Section 1031; 2016 U.S. Sentencing Guidelines Manual - Sentencing Table (ussc.gov); 18 U.S. Code § 3621 - SENTENCING: RANGE FROM ZONE B TO D (4-43) OF THE 'POINT' SENTENCING TABLE; 18 U.S. Code Chapter 229—Subchapter A—probation (§§ 3601 – 3608), Subchapter B—fines (§§ 3611 – 3615), Subchapter C—imprisonment (§§ 3621 – 3626), Subchapter D—risk And Needs Assessment System (§§ 3631 – 3635).

### The Incident:

It was held by the Supreme Court that there is “a guaranteed right to access to a court of law regarding Constitutional rights” (Smith v. Maschner, 899 F.2d 940 at 947 (10th Cir.1990), and “may not be denied the right to inform on violation of federal laws” (Quarles, 158 U.S. 532; Motes v. United States, 178 U.S. 458), nor should there be “roadblocks in accessing” crucial or pertinent data. (DAVID M. POWERS v. STATE OF IOWA (2017) NO. 16-1650). The Appellants seek a remedy for each violation, valuing each deprived liberty at \$5,000,000, liberties that were established at the time of the incident and are now secured in the Bill of Rights and the United States Constitution. All individuals with a fiduciary duty are bound thereto by oath or contract.

### Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971)

“The term “*Bivens* action” comes from *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), in which the Supreme Court held that a violation of one’s Fourth Amendment rights by federal officers can give rise to a federal cause of action for damages for unlawful searches and seizures.” (Bivens action | Wex | US Law | LII / Legal Information Institute (cornell.edu))

“A *Bivens* action generally refers to a lawsuit for damages when a federal officer who is acting in the color of federal authority allegedly violates the U.S. Constitution by federal officers acting.” (Bivens action | Wex | US Law | LII / Legal Information Institute (cornell.edu))

### Godfrey v. State, 962 N.W.2d 84, 96 (Iowa 2021)

Supreme law-constitutionality of acts. Section 1. “This Constitution shall be the supreme law of the State, and any law inconsistent there with, shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.” (The Constitution of the State of Iowa)

“Godfrey states the State of Iowa deprived Godfrey of equal protection of the laws in violation of article 1, section 6 by discriminating against Godfrey.”

“This case has come before this court on interlocutory appeal on two occasions. On the first occasion, we addressed the issue of immunity for state employees under the Iowa Tort Claims Act. *See Godfrey v. State (Godfrey I)*, 847 N.W.2d 578, 582–83 (Iowa 2014). On the second occasion, we addressed whether Godfrey could sue for monetary damages for violations of the Iowa Constitution. *See Godfrey v. State (Godfrey II)*, 898 N.W.2d 844, 871–72 (Iowa 2017). A majority of this court held the due process and equal protection provisions of the Iowa Constitution were self-executing and a plaintiff could assert a claim for monetary damages for alleged violations of the same.”

- **Federal:** 4<sup>th</sup> Amendment, **State:** Article 1 Section 8: Unlawful search/seizure
- **State:** Article 1 Section 8

Bond v United States, 529 U.S. 334 (2000)

“A United States Supreme Court Fourth Amendment case that applied the ruling of *Minnesota v. Dickerson* to luggage, which held that police may not physically manipulate items without a warrant without violating the Fourth Amendment.”

Mapp v. Ohio, 367 U.S. 643 (1961)

- a. “Holding that the Fourth Amendment, and particularly the exclusionary rule, is applicable to states through the Fourteenth Amendment”
- b. “Holding that “all evidence obtained by searches and seizures in violation of the Constitution is, by that same authority, inadmissible in a state court”
- c. “Holding that states are bound by the same Fourth Amendment principles as the federal government”

McDonald v. United States, 335 U.S. 451, 455 (1948)

1. “The seizure was in violation of the Fourth Amendment, the seized articles were not admissible in evidence against McDonald, and his conviction cannot be sustained.” Pp. 335 U.S. 452-456.”
2. “A search without a warrant is not justified unless the exigencies of the situation make that course imperative.” Pp. 335 U.S. 454-456.”

United States v. United States Dist. Court for Eastern Dist. Of Mich., 407 U.S. 297, 313 (1972)

- a. “Remarking that “physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed”
  - b. “The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates.”
  - c. “Holding that there is no warrant exception for “domestic security” surveillances but explicitly stating that the Court had “not addressed, and express[ed] no opinion as to, the issues which may be involved with respect to activities of foreign powers or their agents”
- **Federal:** 5<sup>th</sup> Amendment, **State:** Article 1 Section 1 Due Process
  - **State:** Article 1 Section 1

Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971) Judge-written summaries of this case:

- a. “Holding that a violation of a citizen’s constitutional rights by federal officers can give rise to a federal cause of action for damages”
- b. “Fourth Amendment confines officer executing a warrant “strictly within the bounds set by the warrant”
- c. “Historically, damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty.”

Butz v. Economou, 438 U.S. 478 (1978)



- a. "Stating that, for purposes of immunity law, there is no distinction between suits brought against state officials under Sec. 1983 and suits brought directly under the Constitution against federal officials"
- b. "Noting that qualified immunity covers "mere mistakes in judgment, whether the mistake is one of fact or one of law"
- c. "Concluding that a agency officials performing functions analogous to those of a prosecutor are entitled to absolute immunity with respect to such acts"
- **Federal: 6<sup>th</sup> amendment, State: Article right to confrontation clause**
- State: Article 1 Section 9

Johnson v. Zerbst, 304 U.S. 458 (1938)

- a. "Holding that waiver of a constitutional right "is ordinarily an intentional relinquishment or abandonment of a known right or privilege"
- b. "Describing assistance of counsel as "one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty"
- c. "Sixth amendment bars defendant's conviction if the accused is not represented by counsel "and has not competently and intelligently waived his constitutional right" apparently."
- **Federal: 8<sup>th</sup> amendment, State: Article cruel and unusual treatment**
- State: Article 1 Section 17

Strickland v. Washington, 466 U.S. 668 (1984)

- a. "Holding that to establish prejudice, a defendant must show that the result of trial would have been different"
- b. "Explaining that "strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable"
- c. "Stating that "a verdict or conclusion only weakly supported by the record is more likely to have been affected by errors than one with overwhelming support"
- **Federal: 9<sup>th</sup> amendment, State: Article disparagement/defamation**
- **Federal: 14<sup>th</sup> amendment, State: Article equal and fair access to the law and justice system**
- State: Article 1 Section 6
- **Federal: 1<sup>st</sup> Amendment, State: Article 1 Section 20: Retaliation / Case DMCIC1009795**

Sloman v. Tadlock, 21 F.3d 1462, 1469–70 (9th Cir.1994)

- a. "Explaining that the reasons for the existence of the qualified immunity doctrine "do not . . . suggest that a judicial determination at [the trial] stage is necessarily better than a jury verdict" (emphasis in original)
- b. "Noting a jury might be "best suited to determine the reasonableness of an 18 SHEPARD V. QUILLEN officer's conduct in light of the factual context in which it takes place"
- c. "Recognizing a claim under the First Amendment where a police officer "used his official powers, specifically his power to warn, cite, and arrest, to retaliate against [the] exercise of . . . free speech rights"
- **Federal: 1<sup>st</sup> Amendment, State: Article 1 Section 20:**
- State: Article 1 Section 20

FEDERAL

Alleged Tampering With Victim and Harassment (See: *District Court* in this petition)

- ***Allegations against government employees in Polk County, Iowa, are as follows (FEDERAL):***

- 18 U.S. Code § 2383

“Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.” (June 25, 1948, ch. 645, 62 Stat. 808; Pub. L. 103–322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.) 1994-Pub. L. 103–322 substituted “fined under this title” for “fined not more than \$10,000”.

- 18 U.S.C. § 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.” (June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, § 103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, § 60006(b), title XXXII, §§ 320103(b), 320201(b), title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

- 18 U.S.C. § 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.” (June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, § 103(a), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7018(a), (b)(1), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, § 60006(a), title XXXII, §§ 320103(a), 320201(a), title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§ 604(b)(14)(A), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

- 18 U.S. Code § 245 (2)(b)

“Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with— any person

because of his race, color, religion or national origin and because he is or has been—  
(B)participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof; 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[.]”

- o 42 U.S. Code § 1986

“Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.” (R.S. § 1981.)

Thompson v. Bohlken, 312 N.W.2d 501, 504 (Iowa 1981)

- o 42 U.S. Code § 1985

**(1) PREVENTING OFFICER FROM PERFORMING DUTIES**

“If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;”

**(2) OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR**

“If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;”

**(3) DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES**

"If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators." (R.S. § 1980.)

o 42 U.S.C. section 1983

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia." (R.S. § 1979; Pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

o 42 U.S. Code § 1981

" In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C. 2000e-5, 2000e-16] against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703, 704, or 717 of the Act [42 U.S.C. 2000e-2, 2000e-3, 2000e-16], and provided that the complaining party cannot recover under section 1981 of this title, the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent. **(b)COMPENSATORY AND PUNITIVE DAMAGES (1)DETERMINATION OF PUNITIVE DAMAGES** A complaining party may recover punitive damages under this section against a respondent (other than a government, government agency or political subdivision) if the complaining party demonstrates that the respondent engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual. **(2)EXCLUSIONS FROM COMPENSATORY DAMAGES** Compensatory damages awarded under this section shall not include backpay, interest on backpay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964 [42 U.S.C. 2000e-5(g)]. **(3)LIMITATIONS**The sum of the amount of compensatory damages awarded under this section for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss

of enjoyment of life, and other nonpecuniary losses, and the amount of punitive damages awarded under this section, shall not exceed, for each complaining party—

(A) in the case of a respondent who has more than 14 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$50,000;

(B) in the case of a respondent who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$100,000; and

(C) in the case of a respondent who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$200,000; and

(D) in the case of a respondent who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$300,000.

#### (4) CONSTRUCTION

Nothing in this section shall be construed to limit the scope of, or the relief available under, section 1981 of this title.

(c) **JURY TRIAL** If a complaining party seeks compensatory or punitive damages under this section—

(1) any party may demand a trial by jury; and

(2) the court shall not inform the jury of the limitations described in subsection (b)(3)."

- 29 U.S. Code §: 1452

"Any person who fails, without reasonable cause, to provide a notice required under this subtitle or any implementing regulations shall be liable to the corporation in an amount up to \$100 for each day for which such failure continues. The corporation may bring a civil action against any such person in the United States District Court for the District of Columbia or in any district court of the United States within the jurisdiction of which the plan assets are located, the plan is administered, or a defendant resides or does business, and process may be served in any district where a defendant resides, does business, or may be found." (Pub. L. 93-406, title IV, § 4302, as added Pub. L. 96-364, title I, § 104(2), Sept. 26, 1980, 94 Stat. 1263.)

- 31 U.S.C. §3729

(a) **LIABILITY FOR CERTAIN ACTS.—(1) IN GENERAL.**—"Subject to paragraph (2), any person who—(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval; (B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim; (C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G); is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104-410 [1]), plus 3 times the amount of damages which the Government sustains because of the act of that person."

- 42 U.S. Code § 2000d-7

(a) **GENERAL PROVISION (1)** "A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20

U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance. **(2)** In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State. **(b)** **EFFECTIVE DATE** The provisions of subsection (a) shall take effect with respect to violations that occur in whole or in part after October 21, 1986.” (Pub. L. 99-506, title X, § 1003, Oct. 21, 1986, 100 Stat. 1845.)

## STATE PROVISIONS

- **Count 1** – U.S. Const., amend. XIV
- **Count 2** – Personal liability Chapter 613.19
- **Count 3** – Chapter 613A
- **Count 4** – Chapter 670.1(4)
- **Count 5** – Chapter 670.8
- **Count 6** – Chapter 685.2
- **Count 7** – Chapter 669.1
- **Count 8** – Chapter 669.4(2)
- **Count 9** – 670.2
- Compensatory loss of Possible wages Iowa Code § 668.3
- Iowa Code 706 Actual Damage

FTCA: Intentional torts 28 U.S.C. §271-2680 28 U.S.C. § 1346

### 6) OTHER STATUTORY VIOLATIONS

- *See The incident*

### 7) INVESTIGATION

An investigation request should be initiated.

- 15 U.S. Code § 7215
- 805.9 (3)(c)

### 8) SENTENCING

The following can be referenced for Sentencing

18 U.S.C. Section 1031

POSTSENTENCE ADMINISTRATION 18 U.S. Code Chapter 229 -

- h. SUBCHAPTER A—PROBATION (§§ 3601 – 3608)
- i. SUBCHAPTER B—FINES (§§ 3611 – 3615)
- j. SUBCHAPTER C—IMPRISONMENT (§§ 3621 – 3626)
- k. SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM (§§ 3631 – 3635)
- l. Ch. 901 Judgment and Sentencing Procedures

Imprisonment of a convicted person 18 U.S. Code § 3621 - SENTENCING: RANGE FROM ZONE B TO

D (4-43) OF THE ‘POINT’ SENTENCING TABLE; and 2016 U.S. Sentencing Guidelines Manual -

Sentencing Table (ussc.gov)

## **STATEMENT OF THE CASE**

### **AFFIDAVIT OF TRUTH**

This Affidavit of Truth has been prepared by, or on behalf of, Latressa Railback, affiant and living woman, who is of sound mind and having first-hand knowledge of the facts alleged in this affidavit. The affiant affirms an oath under penalty of perjury that the statements are presumed to be true and correct to the best of my knowledge, and in accordance with Federal and State laws, statutes, rules and/or others, allegedly.

/Railback: Latressa D/ August 12, 2024, Attorney-in-Fact/Pro Se Representation: Latressa Railback; 3423 S.W. 8TH STREET, DES MOINES, IA [50315].

### **INTRODUCTION**

#### **STATUS**

The Maxims of laws, which should govern this case provides that every wrong deserves a remedy as in the following opinions:

Palazzolo v. Rhode Island, 533 US 606, 121 S. Ct. (2001) - "The US Supreme Court ruled that Municipalities cannot exert any acts of ownership or control over property that is not owned by them." (Quotations added and possible omissions)

Monterey v. Del Monte Dunes, 526 US 687 (1999) - "Plaintiff awarded \$8 million for Code Enforcement's illegal trespass and restriction of his business; and another \$1.45 million for aggregation of forced sale." (Quotations added and possible omissions).

#### **Maxims Of Laws to Be Applied to This Case: LACL155681**

My God says that I am under Natural Laws as outlined in the Constitutions and in accordance with the respective Maxims of Laws listed below:

<ul style="list-style-type: none"><li>• God and Religion</li><li>• Scriptural</li><li>• Law</li><li>• Right and Wrong</li><li>• Accidents and Injury</li><li>• Common Sense</li><li>• 10 Maxims of Commercial law</li><li>• 20 Maxims of Equity</li><li>• Consent and Contracts</li><li>• Court and Pleas</li></ul>	<ul style="list-style-type: none"><li>• Court Appearance</li><li>• Judges and Judgment</li><li>• Governments and Jurisdiction</li><li>• Servants and Slaves</li><li>• Crime and Punishment</li><li>• Property and Land</li><li>• Possession</li><li>• Fictions</li><li>• Fraud and Deceit</li><li>• Miscellaneous</li></ul>
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U.S. Federal Rules Of Evidence 201

ARTICLE II. JUDICIAL NOTICE "Rule 201. Judicial Notice of Adjudicative Facts

(a) SCOPE. This rule governs judicial notice of an adjudicative fact only, not a legislative fact. (b) KINDS OF FACTS THAT MAY BE JUDICIALLY NOTICED. The court may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) TAKING NOTICE. The court:

(1) may take judicial notice on its own; or

(2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

(d) TIMING. The court may take judicial notice at any stage of the proceeding.

(e) OPPORTUNITY TO BE HEARD. On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

(f) INSTRUCTING THE JURY. In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive. (As amended Apr. 26, 2011, eff. Dec. 1, 2011.)"

federal rules of evidence december 1 2022 0.pdf (uscourts.gov) (quotations added)

#### Federal Diversity

- Amount Suing for: \$288 Million
- Foreign Subject: State of Iowa/Ambassador; City of Des Moines, and its municipalities: Police Department, Neighborhood Services/Neighborhood Division, City Attorney; and the named defendants in their official capacities
  - FARA Foreign Agents Registration Act (22 U.S.C 611 et seq.) Should be on file for all government employees

At the federal level the American government has always been a separate foreign international maritime jurisdiction operated under contract to provide two services: (1) protect the national trust assets, and (2) perform governmental services for the Several States--- which in terms of international law is all recognized sovereign nations.

#### **SPECIAL APPEARANCE and PERSONAL JURISDICTION**

The appellant should be seen in *special appearance* as:

- i. Advocate on behalf of the Petitioner/Appellant
- ii. Attorney in Fact
- iii. Pro Se representative
- iv. Sui Juris

The appellant's *personal jurisdiction* is:

- i. Federal Common Law



Latressa Railback, A living and self-representing woman is subject to the Most High's Natural Laws, which may be upheld by the United States and State Constitutions through the Bill of Rights. She seeks to appear specially as an Advocate, Attorney-in-Fact, Pro Se Representative, Sui Juris, and in Propria Persona. Presuming she is capable of managing her own affairs, Ms. Railback is not under any known power or guardianship, as acknowledged, and she waives no rights, reserving all. "Fraud upon the court occurs when the judicial machinery itself is compromised, such as when an attorney, an officer of the court, commits fraud or materially misrepresents facts to the court. Such fraud renders the court's orders and judgments void." (Quotations modified and omissions possible) 1520, 1711 (1976); codified at 42 U.S.C. § 405(c)(2)(C)(i) (the 1976 Act). "Hon. Stephanie K. Seymour, now Senior Judge for the Tenth Circuit, has observed that the right of access to the courts is 'fundamental to our system of government' and 'is well established as a fundamental right protected by the Constitution.'" Smith v. Maschner, 899 F.2d at 947, Nordgren v. Milliken, 762 F.2d 851,853 (10th Cir. 1985).

#### **SUBJECT MATTER JURISDICTION**

The petitioner alleges that their case comprised of allegations of violations, presumably, under color of law, which may violate Constitutional and federal laws, according to those outlined in this brief. "It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States." Additionally, the controversies are between *States*.

"Federal courts have jurisdiction over cases involving:

- the United States government,
- the Constitution or federal laws, or
- controversies between states or between the U.S. government and foreign governments."

Federal Courts & the Public | United States Courts (uscourts.gov) (Quotations added and possible omissions)

ArtIII.S2.C2.2 Supreme Court Original Jurisdiction "Although Congress may allow the lower federal courts to hear cases subject to Supreme Court original jurisdiction, the legislature can

neither expand nor contract the constitutional grant of original jurisdiction to the Court.” Supreme Court Original Jurisdiction | U.S. Constitution Annotated | US Law | LII / Legal Information Institute (cornell.edu) (Quotations added and possible omissions) Article III, Section 2, Clause 2: “In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction.” Supreme Court Original Jurisdiction | U.S. Constitution Annotated | US Law | LII / Legal Information Institute (cornell.edu) (Quotations added and possible omissions); Held: “the question of lack of subject matter jurisdiction can be raised in any manner and at any stage of the proceedings.” Lloyd v. State, 251 N.W.2d 551 (Iowa 1977). (Quotations added and possible omissions)

#### SECTION 1: IOWA COURT/S Rule 14.1(g)

- IOWA DISTRICT COURT: *LACLI 55681*; *TRIED: July 28, 2023*; L [REDACTED] et al v. STATE OF [REDACTED] et al DAVID [REDACTED]; Judge [REDACTED] for the 5th Judicial District Court of Iowa, in Polk County

##### 1. No Consent Given

For the record, on the record, and let the record reflect/show that:

The appellant has not waived any rights, including personal and subject matter jurisdiction, and has not given consent for the Iowa district court or its presiding judge to oversee the case. The petition was apparently withdrawn by the district court; thus, when the case was transferred, there was no active petition as it had been retracted around 6-30-2023. Consent is a mandatory requirement as per 5 U.S. Code § 556(b)(6)(7). It is presumed that deletions were made by the Iowa district court or its clerk. Not all documents were preserved, but three separate PDFs were saved at different times: 11/26/2023, 12/31/2023, and 01/03/2024. A screenshot shows that the judge denied the Motion to Recuse on 07-05-2023, which may suggest that the petitioner's consent was never given as required.

##### 2. No Established Contracts

There was no established contract between the Petitioner and the Iowa Judicial Branch, Iowa district court, Iowa appeal court, nor Iowa supreme court. If a contract was established based on the submission of the documents, then a request for the judge to recuse and Motion to Change Venue/Jurisdiction, would have presumably nullified the contract. “A natural man or woman may stand upon their unalienable rights, and are entitled to carry on their private business in their own ways according to the law. Their power to contract is unlimited, and they owe no duty to the State or their neighbors to divulge their business, or to open their doors to investigation. Their Rights live permanently in the “law of the land”, antecedent to the organization of the State, and requiring concerns to be addressed by “due process of law”.” Declaration of Independence. “A contract is an agreement between parties, creating

mutual obligations that are enforceable by law. The basic elements required for the agreement to be a legally enforceable contract are: mutual assent, expressed by a valid offer and acceptance; adequate consideration; capacity; and legality.” [contract | Wex | US Law | LII / Legal Information Institute \(cornell.edu\)](#) The House Conference Report to the 1976 Act spoke directly to the broadened statutory language, stating: [The Senate amendment] makes a misdemeanor the willful, knowing, and deceitful use of a social security number for any purpose. [U.S. Attorneys' Bulletin Vol 53 No 01, Social Security Fraud \(justice.gov\)](#) (Quotations added and possible omissions)

#### OUTLINE OF SUBMISSIONS/RETRACTIONS

The petitioner's submissions to the electronic court system, EDMS, appear to have been altered, as evidenced by the available pdfs. There are allegations that these submissions were removed by an individual with access to the judicial electronic filing system, not by the petitioner. Below is a list of submissions that seem to have been deleted. This action is presumed to conceal, alter, eliminate, or destroy evidence that supports claims of due process violations by Iowa courts and systemic corruption, purportedly in violation of 18 USC § 1512 and the Constitution:

- 6-9-23 a. Appearance Luke Desmet, Defendants
- 6-13-23 a. Motion to Amend due to continued harassment after submission of legal documents to District Court, which had become regular (video footage and photos available for review(Flash drive)), Plaintiff/s b. Return of Service, Plaintiff/s
- 6-14-23 a. Appearance by Michelle Wiederander, Defendants b. Retraction of Jury Request for unclear reasons, Clerk c. Amended Petition Submission, Plaintiff/s d. Motion for Discovery, Plaintiff/s
- 6-15-23 a. Amended Petition Submission, Plaintiff/s b. Retraction of Petition for unclear reasons, Clerk
- 6-26-23 a. Motion to Dismiss Stanley Thompson, Defendants
- 6-27-23 a. Motion to Dismiss Luke Desmet, Defendants
- 6-29-23 a. Amended Petition, Plaintiff/s b. Retraction of Amended Petition, Clerk c. Notice of Discovery Request, Plaintiff/s
- 6-30-23 a. Motion, Plaintiff/s
- 7-5-23 a. Motion to Transfer Venue Denie

The presumed deleted data may be supported by the orders submitted by the Iowa district court as follows:

- Order 1: ORDER TO DEFER CERTAIN COSTS May 18, 2023 (Appendix A(1))
- Order 2: ORDER DENYING MOTION FOR RECUSAL July 5, 2023 (Appendix A(2))
- Order 3: ORDER DENYING MOTION TO CHANGE VENUE July 5, 2023 (Appendix A(3))

- Order 4: ORDER STAYING DEADLINES July 20, 2023 (Appendix A(4))
- Order 5: ORDER GRANTING STATE OF IOWA AND KIMBERLY KAY REYNOLDS' MOTION TO DISMISS July 20, 2023 (Appendix A(5))
- Order 6: ORDER SETTING HEARING ON MOTION July 20, 2023 (Appendix A(6))
- Order 7: ORDER DISMISSING CASE WITH PREJUDICE July 28, 2023; 09:57 AM (Appendix A(7))
- Order 8: ORDER DENYING MOTION FOR NEW TRIAL AND MOTION FOR HEARING August 15, 2023 (Appendix A(8))

## PROCEEDINGS

*Iowa District Court: LACL155681; TRIED: July 28, 2023; Latressa Railback et al v. STATE OF IOWA et al Appendix A(1-7)*

*Iowa Appeal Court: 23-1276, REJECTED: December 29, 2023, The court did not accept the case; Appendix B*

*Iowa Supreme Court: 23-1276, REJECTED: January 26, 2024, The court did not accept the case. Appendix C*

## SECTION 1(A) IOWA DISTRICT COURT

Docket Number: LACL155681; Case Caption: Latressa Railback et al vs STATE OF IOWA et al, but was presumably changed by the court to: LATRESSA D. RAILBACK Plaintiff VS. JOHN DOE, CITY OF DES MOINES, JEFFREY D. LESTER, JOSHUA RALEIGH, JANE DOE, DES MOINES POLICE DEPARTMENT, THOMAS MICHAEL FRANKLIN COWNIE, NEIGHBORHOOD INSPECTIONS DIV, CHRIS JOHANSEN, JOSHUA RALIEGH SUPERVISOR OF CITY OF DES MOINES, SCOTT SANDERS, DANA WINGERT Defendant

### The Iowa District Court/Court/S:

The following are alleged concerning the Iowa district court:

On May 15, 2023, a civil action seeking monetary damages was initiated by or on behalf of the plaintiffs to secure a docket number and commence the legal proceedings.

“Initially, the Brady rule was only applicable if the defendant made a pretrial request for specific information which the prosecution denied. In United States v. Bagley, however, the Supreme Court eliminated this request requirement and stated that the prosecution has a constitutional duty to disclose all material, favorable information in their possession to defendants regardless of whether it is requested. This duty is breached regardless of whether that information is withheld

intentionally or unintentionally.” [Brady rule | Wex | US Law | LII / Legal Information Institute \(cornell.edu\)](#) (Quotations added and possible omissions).

- 5th Amendment: “The Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, **the Fifth Amendment guarantees the right to a grand jury**, forbids “double jeopardy,” and protects against self-incrimination. It also requires that “due process of law” be part of any proceeding that denies a citizen “life, liberty or property” and requires the government to compensate citizens when it takes private property for public use.” [Fifth Amendment | U.S. Constitution | US Law | LII / Legal Information Institute \(cornell.edu\)](#)
- 6th Amendment: “The Sixth Amendment guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, **the right to an impartial jury**, and the right to know who your accusers are and the nature of the charges and evidence against you.” [Sixth Amendment | U.S. Constitution | US Law | LII / Legal Information Institute \(cornell.edu\)](#)
- 7th Amendment: “Amendment VII. In suits at common law, **where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved**, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.” [Seventh Amendment | U.S. Constitution | US Law | LII / Legal Information Institute \(cornell.edu\)](#)
- 14th Amendment: “Bias or prejudice either inherent in the structure of a trial system or imposed by external events can infringe a person’s right to a fair trial. Thus, as in the civil context, procedural due process requires criminal cases to be overseen by an unbiased judge and decided by an impartial jury.” [Impartial Judge and Jury | Constitution Annotated | Congress.gov | Library of Congress](#)
- U.S. Constitution, Article 3, section 2, Clause 2 “In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction.” [Article 3 Section 2 Clause 2 | Constitution Annotated | Congress.gov | Library of Congress](#)
- Iowa Rule 1.500 “Duty to disclose; **required** disclosures.”
- Iowa Rule 1.503 “*In general*. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, the identity and location of persons having knowledge of any discoverable matter, and the identity of witnesses the party expects to call to testify at the trial.” [Rule 1.503 - Scope of discovery. Iowa R. Civ. P. 1.503 | Casetext Search + Citator](#)
- Iowa Rule 1.442(7)) “clarifies that all documents served or filed shall include a certificate of service[?].”
- Fed. Rule 10 “(a) Caption; Names of Parties. Every pleading must have a caption with the court’s name, a title, a file number, and a **Rule 7(a)** designation.”
- Fed. Rule 26 “(A) *In General*. Except as exempted by [Rule 26\(a\)\(1\)\(B\)](#) or as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties: (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment[?].”
- Fed. Rule 43 “(a) IN OPEN COURT. At trial, the witnesses’ testimony must be taken in open court unless a federal statute, the [Federal Rules of Evidence](#), these rules, or other rules adopted by the Supreme Court provide otherwise.”
- Iowa Rule 1.201 “Real party in interest. Every action must be prosecuted in the name of the real party in interest.”
- Iowa Rule 1.401 “There shall be a petition and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a

cross-petition, if a person who was not an original party is summoned under the provisions of rule 1.246; and an answer to cross-petition, if a cross-petition is served.”

- Iowa Rule 1.405 “The answer shall show on whose behalf it is filed, and specifically admit or deny each allegation or paragraph of the pleading to which it responds, which denial may be for lack of information. It must state any additional facts deemed to show a defense.”
- Iowa Rule 6.903 “(3) *Appellee's brief*. The appellee must file a brief or a statement waiving the appellee's brief.”
- Rule 1.281 governs "expedited civil actions" in which the sole relief sought is a money judgment
- Rule 802. The Rule Against **Hearsay**. Hearsay is not admissible unless any of the following provides otherwise: a federal statute; these rules; or, other rules prescribed by the Supreme Court.
- 5 U.S. Code § 556 (c) “Subject to published rules of the agency and within its powers, employees presiding at hearings may—
  - (6)hold conferences for the settlement or simplification of the issues by consent of the parties or by the use of alternative means of dispute resolution as provided in subchapter IV of this chapter;
  - (7)inform the parties as to the availability of one or more alternative means of dispute resolution, and encourage use of such methods;
  - (8)require the attendance at any conference held pursuant to paragraph (6) of at least one representative of each party who has authority to negotiate concerning resolution of issues in controversy.”(quotations, bold and underlining added)
- “In legal ethics, ex parte refers to improper contact with a party or a judge. Ethical rules typically forbid a lawyer from contacting the judge or the opposing party without the other party's lawyer also being present. A breach of these rules is referred to as improper ex parte contact.” ex parte | Wex | US Law | LII / Legal Information Institute (cornell.edu) (quotations and underlining added)
- Rule 8.3 *Maintaining The Integrity of The Profession*

This case is presumed to be Criminal and Civil, and of broad and public importance. A de novo and Summary Judgement is sought and should be granted in accordance with the respective laws and statutes outlined in this, and the other, petition/s, which were established at the time of the alleged home invasion that resulted in damage to real property, reputation, liberties, life, spiritual, mental, emotional, physical, and financial well-being. Additionally, the homeowners newly erected small home-based businesses whose grand openings were supposed to be June 2023, and being that no attorney was willing to accept the case, the homeowners had to neglect the businesses so-as-to prepare their case as Pro Se/Sui Juris, which has completely disrupted the normalcy for the homeschooling single-parent home who are now in financial distress due to the events alleged in this, and the other, petition/s. *A Grand Jury Trial is being requested under the 5th, 6th, 7th, and 14th amendments of the United States Constitution if Summary Judgement or Consideration/Settlement is not met.*

The case whose remedy is far greater than \$75,000, and whose defendants comprise of the State of Iowa and Governor, respectfully, and included violations of blackletter laws such as the Bill of Rights, which are secured within the Constitution/s. This, along with possible vested interests, should have been grounds for disqualification according to the laws and rules. The petition had been retracted on or about 6-30-2023, and it was not resubmitted until August 2023 therefore could not have been tried by the judge. There were also requests for a jury trial, motions, and notices for discovery to identify the principal tortfeasors (as per Iowa Rule 1.500 and 1.503), injunctive relief, and it was moved on the 73rd day; however, according to Iowa Rule 1.302(5), there is a 90-day period, with a possible extension, to identify the defendants, who remain unnamed in this instance. Iowa Rule 1.201 stipulates that the real party must have standing, and that pleadings and answers are required, suggesting that the tortfeasors should be identified in accordance with Rules 10, 43, and Iowa Rule 6.103. Beyond the potential breach of local court rules, the Iowa district court/judge may have also infringed upon the Bill of Rights, the United States Constitution, and the Constitution of the State of Iowa concerning substantive and/or procedural due process. When the case was presented to the Iowa district court, the petitioner's intention was merely to obtain a docket number to initiate the lawsuit process, which first entails submitting an antilitem to the Department of Management (Iowa 669) when the State of Iowa and/or the Governor are named parties. Requests were made for the case to be reassigned to the appropriate jurisdiction.

"The right of access is founded on the due process clause and guarantees the right to present to a court of law allegations concerning the violation of constitutional rights." Smith v. Maschner, 899 F.2d 940 at 947 (10th Cir.1990).

"There can be no case without the defendant being identified." See, e.g., Valenzuela-Gonzales v. United States, 915 F.2d 1276, 1280 (9th Cir. 1990)". "Iowa Rules 10 and 43 require the defendant to be physically present in court for the arraignment. (Rule 10. Arraignment | Federal Rules of Criminal Procedure | US Law | LII / Legal Information Institute (cornell.edu)). (Quotations added)

"Adverse inference is a legal inference, adverse to the concerned party, drawn from silence or absence of requested evidence." Adverse inference - Wikipedia (Quotations added)

Fiduciary Duty "A fiduciary accepts legal responsibility for duties of care, loyalty, good faith, confidentiality, and more when serving the best interests of a beneficiary. Fiduciary duty refers to the relationship between the fiduciary and the principal or beneficiary on whose behalf the fiduciary acts. Strict care must be taken to ensure that no conflict of interest arises to jeopardize those interests." What Is a Fiduciary Duty? Examples and Types Explained (investopedia.com) (Quotations added)

**Judge David Nelmark; Iowa District Court**

The allegations regarding possible conflicts of interests are primarily due to the Merit Selection System, which allows the Governor to select who becomes judge or justice in Iowa. All judges and justices that were assigned to the case, were hired by the Governor and are presumed to be employed by the State of Iowa, which may be conflicting when they're named in a case. Further, the justices in the appeal and supreme court/s were not made known the Petitioner until after the case was tried, which may have violated due process of law. Moreover, None of the judges/justice presented their respective credentials, such as: Oaths of Office, Oath of Administration, Constitutional Oath, Bond information, Foreign Entity Registration (5 U.S.C. 3105), and others to prove that they had the lawful authority to practice law in the state of Iowa at the time of the trial, and now.

After learning that judge David [REDACTED] was assigned to case LACL155681, a brief investigation was conducted, and it was found that he had been hired by, and may have had personal and/or professional affiliations with, defendants in the case. Judge was hired as judge by a defendant in the case to work on behalf of another defendant in the case in 2019, and was president of the Polk County Bar Association, which comprises of government employees, judges, and others according to the "About Page", which support the allegations concerning vested interest. According to reputable sources, published news reports appear to convey that possible vested interests and a abuse of power concerning the Governor, may have occurred before; which presumably supports the claims in this case. Reportedly, the Governor, during her second operating while intoxicated arrest within an eight-month span, allegedly used her personal/professional affiliation with a judge, Gary Kime, to bail her out, or assist her with here legal issues.

"An assistant Warren County attorney later charged Reynolds with second-offense operating while intoxicated, noting Reynolds had been convicted of her first offense eight months prior. But the same day, **the prosecutor amended the charge to first-offense operating while intoxicated, without giving a reason for the change.**" Iowa removes files that exposed governor's personal info | AP News (quotations added) (underline and bold added)

"The second-offense charge would have been an aggravated misdemeanor, which means it was an "infamous crime" under state law that could have disqualified Reynolds from voting and holding public office. Instead, she pleaded guilty to the lesser charge a month later and went on to be elected to the state Senate, lieutenant governor and governor." Iowa removes files on governor's drunk driving arrest that exposed personal info – Chicago Tribune and Iowa removes files that exposed governor's personal info | AP News (quotations added)



The damages included: a wooden gate/door weighed down, causing dragging and requiring lifting for operation; a double shed door that appears to have been pried open, resulting in split wood; harm to a five-year-old plant, a centerpiece of the backyard; and a car door left open, potentially draining the battery. Furthermore, the presence of police on and around the plaintiff's property has led to disparagement and defamation of the living woman and her offspring within her community, possibly damaging the dwellers' reputations. The video evidence captures the primary defendants approaching and entering the property on foot from their vehicles, which were parked at a considerable distance, even though parking was available directly in front of the residence, allegedly. In *Victoriano v. City of Waterloo*, 984 N.W.2d 178, 182 (Iowa 2023), the defendants' attorneys or the judge cited the case, claiming that "The statute mandates that failure to meet heightened pleading requirements results in dismissal with prejudice" as per Iowa Code 670.4A(3). However, according to The maxim "Time cannot render valid an act void in its origin" is cited, referencing Digest 50, 17, 29; Broom's Maxims 178, from Black's Law Dictionary, 9th Edition, page 1862. The Iowa District Court did not have jurisdiction over the case.

The Iowa supreme court may have *also* had vested interests concerning the Governor. The Iowa supreme court has ruled that felonies, in relation to the changes made to voting rights, and not aggravated misdemeanors, constitute loss of voting rights; whereas fore previously it had been unlawful and/or illegal to hold office with these charges. These changes allegedly would have ensured that the Governor would qualify for office, *with* an aggravated misdemeanor. However, according to Iowa Chapter 69.2, "Every civil office shall be vacant if... (f.) The conviction of the incumbent of a felony, an aggravated misdemeanor, or of any public offense involving the violation of the incumbent's oath of office." This may indicate that the, now, governor may not have qualified for office had the law been followed presumably.

"The Iowa Supreme Court overruled prior precedent in 2014 and declared that only felonies, not aggravated misdemeanors, trigger the loss of voting rights." [Iowa removes files on governor's drunk driving arrest that exposed personal info - Chicago Tribune](#)

Iowa Chapter 69.2 "What constitutes vacancy — hearing — appeal. 1. Every civil office shall be vacant if any of the following events occur: f. The conviction of the incumbent of a felony, an aggravated misdemeanor, or of any public offense involving the violation of the incumbent's oath of office." [Election Law Content \(iowa.gov\)](#) (Quotations added and possible omissions)

The first OWI, for unclear reasons, was reportedly deleted by the prosecutor in that OWI case, and the Governor plead to a lesser charge. However, all traces of the arrests were deleted, altered or concealed from the public according to reports, although the Confidential Records Rule under Iowa Rule 22.7, states

that “current and prior arrests and criminal history data shall be public records.” This information, further, supports that there may be vested interests concerning the courts in Iowa and the Governor and/or government body; however, according to Black’s Laws Dictionary: **“Time cannot render valid an act void in its origin.”** Dig. 50, 17, 29; Broom, Max. 178, Maxims of Law, Black’s Law Dictionary 9th Edition, page 1862. (quotations added) After the jurisdiction was challenged the case should have been reviewed to confirmed according to due process.

“An assistant Warren County attorney later charged Reynolds with second-offense operating while intoxicated, noting Reynolds had been convicted of her first offense eight months prior. But the same day, the prosecutor amended the charge to first-offense operating while intoxicated, without giving a reason for the change.” Iowa removes files on governor’s drunk driving arrest that exposed personal info – Chicago Tribune” (quotations added)

“The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information: Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.” Iowa Rule 22.7 (quotations and underline added)

Iowa Chapter 69.2 “What constitutes vacancy — hearing — appeal. 1. Every civil office shall be vacant if any of the following events occur: f. The conviction of the incumbent of a felony, an aggravated misdemeanor, or of any public offense involving the violation of the incumbent’s oath of office.” Election Law Content (iowa.gov) (quotations added)

An election crime is generally a federal crime if:

- The ballot includes one or more federal candidates
  - An election or polling place official abuses their office
  - The conduct involves false voter registration
  - The crime intentionally targets minority protected classes
  - The activity violates federal campaign finance laws. Election Crimes and Security — FBI
- It is unclear if the conduct alleged against the governor constitutes criminal behavior, election

fraud, fraudulent practices and/or fiduciary breaches; however, this information, presumably prove that there may be some questionable behaviors and connections or misuse of power and authority; which appears to conflict with justice. *Many individuals in the community, and those barred from driving/traveling for the same offenses, apparently did not have equal access to, and protection under, the same laws; which may violate the 14th amendment of the U.S. Constitution.*

“The Declaration of Independence says that we not only have the right but we also have the *duty* to alter or abolish any government that does not secure our unalienable rights, including life, liberty, and the pursuit of happiness.” The Declaration of Independence says we have the right to overthrow the government | Learn Liberty (quotations added)

## SECTION 1 (B) IOWA APPEAL COURT

Docket Number: 23-1276, December 29, 2023,

**This court did not preside over the case.** Case Caption: Latressa Railback et al vs STATE OF IOWA et al

The Iowa Appeal Court did not accept the case. Appealable as a matter of right (Iowa Code 6.102(2)) had not ensued. The Petitioners were not made aware of the Appeal Court judges, until after they tried the case. This may have deprived the appellants of an opportunity to investigate the individual assigned to the case, which may have impeded substantive due process of Law under 5th, 6th and/or 14th amendments, to name a few.

**Alleged Reason for Denial:**

1. Allegations were made that the incorrect alphabetical order for the Table of Authorities was submitted.
  - a. The Plaintiff allege that the rules were presumably followed.
2. Allegations were made that the petition was submitted late.
  - a. There was a two-day holiday, thanksgiving eve and day, which was observed by the court. The plaintiff also took advantage of the break; additionally, assistance was required from the clerk due to error in the electronic system to submit the petition, allegedly.

**According to Black's Law Dictionary:**

- **"Things invalid from the beginning cannot be made valid by subsequent act."** Irayner Max. 482. Maxims of Law, Black's Law Dictionary 9th Edition page 1862. (Quotations added and possible omissions)
- **"A thing void in the beginning does not become valid by lapse of time."** 1 S. & R. 58. Maxims of Law Black's Law Dictionary 9th Edition page 1866. (Quotations added and possible omissions)
- **"Time cannot render valid an act void in its origin."** Dig. 50, 17, 29; Broom, Max. 178, Maxims of Law, Black's Law Dictionary 9th Edition, page 1862. (Quotations added and possible omissions)

Before the alleged errors by the Appellant, it appears the Iowa district court may have erred in trying a case involving the State of Iowa and the Governor/Ambassador as parties, which potentially included violations of the Bill of Rights, Constitutional law, Federal law, and treaties. The Supreme Court holds original jurisdiction over such cases. There was a request for removal of the case to the appropriate venue/jurisdiction and for the judge's recusal, which was denied, possibly indicating that consent (5 U.S.C. 556(b)(6)(7)) for the court to try the case was not granted.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first

instance.” *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409. (Quotations added)

Additionally,

- “Jurisdiction can be challenged at any time” “once challenged, cannot be assumed and must be decided.” *Main v. Thiboutot*, 100 S Ct. 2502 (1980)
- “Once challenged, jurisdiction cannot be assumed, it must be proved to exist.” *Basso v. Utah Power & Light Co.* 395 F 2d 906, 910
- “A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well-established law that a void order can be challenged in any court” *OLD WAYNE MUT. LIFE ASS'N v. MCDONOUGH*, 204 U.S. 8, 27 S. Ct. 236 (1907). (Quotations added)
- “The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.” *Hagans v. Lavine* 415 U.S. 533.

#### **SECTION 1 (C) IOWA SUPREME COURT, 23-1276, JANUARY 26, 2024**

This court did not preside over the case. Case Caption: Latressa Railback et al vs STATE OF IOWA et al, but was presumably changed by the court to: LATRESSA RAILBACK, Plaintiff-Appellant vs. CITY OF DES MOINES, JOSHUA RALEIGH, STATE OF IOWA, KIMBERLY REYNOLDS, JEFFREY LESTER, SCOTT SANDERS, DANA WINGERT, FRANKLIN COWNIE, CHRIS JOHANSEN, NEIGHBORHOOD INSPECTIONS DIV. And DES MOINES POLICE DEPARTEMTN, Defendants-Appellees.

The Iowa Supreme Court declined to hear the case. The justices assigned to the Iowa Supreme Court were not disclosed to the petitioners until after the trial, potentially depriving the Pro Se representative of the chance to obtain their fiduciary credentials, such as oaths of office, administrative oaths, and public official bonds. These documents are necessary to verify the judges' or justices' legal authority and qualification to practice law. The causes of action/claims were not addressed during the trial, and none of the real parties had standing as required by Iowa Rule 1.201. Furthermore, the principal tortfeasors were not identified. Moreover, there were no pleadings, answers, or arraignments for the claims, which are mandatory according to Iowa Rules 1.400 and 1.405.

#### ***Justice David [REDACTED]; Iowa Supreme Court***

Justice David [REDACTED] was promoted twice within a three-year span by one of the defendants in the case in 2019 and 2022, and is employed by the State of Iowa, which may create a conflict of interest for those who may want to redress these individuals. Justice [REDACTED] alleged salary is reportedly 127% higher than the average judge/justice in his same position and seniority, which is 169% higher than the median salary for this job position reportedly. This information regarding salary rates may be relevant because a study conducted by researchers at the Wharton School at the University of Pennsylvania, found that an employee

who is gratified with their employers, will comply with demands to stay in their good graces. Justice May is accused of neglecting to disqualify himself from the case; due to possible vested interests.

The article reads:

“Researchers at the Wharton School at the University of Pennsylvania randomly divided university fundraisers into two groups. One group made phone calls to solicit alumni donations in the same way they always had. The second group — assigned to work on a different day — received a pep talk from the director of annual giving, who told the fundraisers she was grateful for their efforts. During the following week, the university employees who heard her message of gratitude made 50% more fundraising calls than those who did not.” Harvard Medical School (2021). The Psychological Effects of Workplace Appreciation and Gratitude - Emergenetics (in ref. to “Giving thanks can make you happier - Harvard Health”).

**Justice Christopher [REDACTED]; Iowa Supreme Court**

Justice Christopher [REDACTED], was also promoted by the governor, who is a defendant in this case, which may impose an unfair advantage/disadvantage.

“The Supreme Court plays a very important role in our constitutional system of government. First, as the highest court in the land, it is the court of last resort for those looking for justice. Second, due to its power of judicial review, it plays an essential role in ensuring that each branch of government recognizes the limits of its own power. Third, it protects civil rights and liberties by striking down laws that violate the Constitution. Finally, it sets appropriate limits on democratic government by ensuring that popular majorities cannot pass laws that harm and/or take undue advantage of unpopular minorities. In essence, it serves to ensure that the changing views of a majority do not undermine the fundamental values common to all Americans, i.e., freedom of speech, freedom of religion, and due process of law.” About the Supreme Court | United States Courts (uscourts.gov) (Quotations added and possible omissions)

#### **SECTION 1 (D) Possible Tampering With Court Documents/Evidence**

The Petitioners were able to save a PDF copy of the submissions that were made to the EDMS, electronic filing system. This is relevant because data was apparently gradually deleted, presumably, to hide facts, which may include denial of presumed lawful requests, such as: Jury Request, Motion for Change of Venue/Jurisdiction, Motion/Notice for Discovery, request for the judge to recuse due to alleged vested interest and other. Screenshots were obtained on November and December of 2023; and January 2024, and apparently shows gradual alterations/deletions to the filings in the electronic filing system. A block was then placed on the account, which prevented the Plaintiff from accessing court files alleged, and the links led to the login page apparently. The Iowa district court is alleged to have altered the title of the case to reflect the all-caps name, presumably, whether than the natural living woman allegedly and the Iowa supreme court change the title to a different name.

- Attachment 1 is a copy of the EDMS on 11-26-23
- Attachment 2 is a copy of the EDMS on 12-13-23
- Attachment 3 is a copy of the EDMS on 1-29-24
- Document with title "Latressa Railback et al vs STATE OF IOWA et al"

## SECTION 2 POSSIBLE CONFLICT OF INTEREST

Recusal/Disqualification Rule 51:2.7 and Iowa Rule 51.2.11 (A)

Iowa Rule 51:2.11 "(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality\* might reasonably be questioned, including but not limited to the following circumstances:(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge\* of facts that are in dispute in the proceeding."

"[A]cting under color of [state] law" "misuse of power, possessed by virtue of state law [~~and~~] [was] made possible only because the wrongdoer is clothed with the authority of state law." Thompson v. Zirkle, 2007 U.S. Dist. (N-D Ind, Oct 17, 2007)

### Motion For Judge To Recuse

According to the "Missouri Plan" or "Iowa's Merit Selection Process" "Iowa justices and judges are selected using the merit selection and the commission then nominates the individuals whom it finds best qualified and sends their names to the *Governor* for final selection," In this case, there appears to be a conflict of interest because, like the Iowa district court judge, these justices were also hired, promoted and/or both by a defendant in this case. Additionally, published data states that one of the justices has a 128% higher income than others in his same position, which would create vested interests accordingly. Research conducted by Havard Medical has shown that employees are loyal to their employers if beneficial.

## SECTION 3 BACKGROUND/THE INCIDENT

### **Breach Of Duty Under Color Of The Law**

The defendants are accused of abusing their authority by intentionally defying Constitutional laws and policies during their unauthorized entry onto private property, unlawfully, and without consent, notice, warrant, or alert to the owner, which has been proven to be deadly in many cases. The Plaintiff/s argue that the officers completely disregarded the law and their respective oaths (63.10)(5 U.S. Code § 3331); and rebelled (18 U.S. Code § 2383, CLASS C FELONY) against Constitutional laws when they entered the

property. The officer/s are alleged to have committed fraudulent practices (714.10) when they breached the homeowner's security (715C) misused the government's resources to acquire the homeowner's personal data (721.10) and solicited (705.1) the assistance of each other to inspect/search the property by any means necessary. When the officers parked down the road, they conspired to commit a forceable felony (706.1, CLASS C FELONY), and to elude the fact that they were present at the property, which indicates possible premeditation and aiding and abetting (703.1 & 703.3 AGR MISD). The officers allegedly knowingly and willfully (18 U.S.C. § 1001 CRM 910 CLASS D FELONY) conspired 18 U.S.C. § 371 MISD to deprived the household members (42 U.S. Code § 1985) of their liberty, equality and greatly disrupted and interfered (216.11A) with life, while in the scope of duty, constituting legal actions against them (18 U.S. Code § 242, MISD; 18 U.S. Code § 241, MISD), and they violated the homeowners' rights (729A.2).

Additionally, the officer/s is/are presumed to have been armed when they entered the property, and their decision making may have questionable in that moment, which was dangerous and reckless (25 CFR § 11.401) to living individuals, including children and pets (10 U.S. Code § 919b - Art. 119b)(726.6(4)), and could have resulted in serious injury or death. The Plaintiff/s were present when the officers entered the property with intent to commit a crime and compounding felonies (720.1), thus committing burglary in the first degree according to the elements of the statute (713.6A, 713.3)(706A). disorderly conduct (723.4) occurred but unaware of their presence, comprised of a homeschooling parent who has newly erected home-based businesses. The officer's Prohibited Actions caused willful injury (708.4 CLASS D FELONY) And was grossly negligent and could have resulted in fatality like in the following cases: Breonna Taylor; Autumn Steele, and many others, as outlined in the evidence.

**Additional Statutory Violation/s:**

**Federal:** 5 U.S. Code § 3331, Iowa Code 18 U.S. Code § 241, MISD; 18 U.S. Code § 242, MISD; 18 U.S.C. § 371 MISD; 18 U.S.C. § 1001 CRM 910, CLASS D FELONY; 18 U.S. Code § 2383; 25 CFR § 11.401, CLASS C FELONY; 42 U.S. Code § 1985

**State:** 63.10; 216.11A; 703.1; 705.1; 706A; 706.1, CLASS C FELONY; 708.4 CLASS D FELONY; 714.10, AGR MISD; 715C; 721.2; 721.10; 723.4; 729A.1; 729A.2

**Violation Of Ratified Treaty Acts/Discrimination**

It is alleged that the officers deprived the homeowners of their natural rights and discriminated against them. The members of the household, being the only Copper Colored People on that street, are

suspected to have been targeted due to their race, gender, and/or familial status. Documented accounts suggest that government officials have faced numerous accusations of similar nature, which constitute violations of Human Rights, CERD, CCPR, and rights against discrimination.

**Additional Statutory Violation/s:**

**Federal:** CAT; CCRP; CERD; Civil Rights Act 1964; Human Rights; 15 U.S. Code 7215; 31 U.S. Code § 6711; 42 U.S.C. § 2000d et seq; 42 U.S. Code 3631

**Constitutional Law**

Under the 4<sup>th</sup> amendment (U.S. Con.), and Article 1 Section 8 (State), the officers violated the Constitution by entering private property without consent, warrant, or other, and failed to give notice (29 U.S. Code §: 1452), endangering the dwellers. The officers parked down the street and walked to the home. The distance from the gate to the road is approximately 60 feet. The officers are alleged to have trespassed (716.7(2)(a)) upon the land and chattel, causing damage to property (716.8) estimated to be nearly \$2,500 - \$5,000.00 as of November 2022; which has likely increased due to the 66% recession. The wooden gate that separates the front and back yards now droops and drags, which is a physical burden caused by criminal, reckless and Prohibited Actions allegedly commenced by government officials while under color of the law within the scope of duty. It was also discovered that the owner's second car was tampered with, and the door was left ajar, likely causing the battery to die. Additionally, the shed doors have unfamiliar damage that looks like an attempt to pry the doors open forcibly.

The officers harassed (708.7) the homeowners and violated federally protect activities (18 U.S. Code 245, MISD) and committed felonious (721.1) and nonfelonious misconduct. The temporary conversion of the property has led to tortuous interference, and the homeowners were deprived of due process and the Confrontation Clause under the 5<sup>th</sup> amendment (U.S. Con.) and Article 1 Section 1 (State). The Plaintiff/s were never confronted by anyone claiming a nuisance, which deprived them of rights under the 6<sup>th</sup> amendment (U.S. Con.) and Article 1 Section 9 (State). The homeowners were treated in a cruel and unusual manner, which is prohibited under 8<sup>th</sup> amendment (U.S. Con.) and Article 1 Section 17 (State). The officers put the household members in a false light causing them to look like fugitives or criminals before their neighbors, which was humiliating and disparaging, which is prohibited under the 9<sup>th</sup>



amendment. The homeowners were deprived of equal protection of the law when the police officer assisted the inspector in commencing criminal conduct instead of interrupting or ceasing the Prohibited Actions.

Subsequent to the event, documents obtained under Chapter 22 from the Open Records Division revealed that the officer failed to document the search and is alleged to have deliberately concealed it, a violation of 18 U.S. Code § 2071. Despite this, the compromised evidence was sent to legal authorities around 10-13-22. Multiple attempts to reach the City of Des Moines/Neighborhood Inspection and ICRC were unsuccessful, leading to an electronic complaint to the Police Department. The department contacted the homeowners back on 12-30-22, receiving video evidence and a verbal statement. Requests for the perpetrator's identity to initiate criminal and civil actions were not provided to the Pro Se representatives. A preservation letter was filed on 1-3-23, and the case was promptly transferred to the Legal Department by Ryan King of OPS, as indicated by text/email records. No response followed a voicemail left on 1-20-23, and on 3-3-23, an unenveloped subpoena was improperly delivered to the mailbox. This subpoena, related to case DMCICI009795, and appeared to have been retaliatory, and issued three weeks after the plaintiffs' voicemail. Joshua Raleigh and Molly Tracy, city attorney, conspired (706.3) to obstruct justice (719.3) by creating case DMCICI009795, and is alleged to have used tainted fruit of the poisonous tree in the case to maliciously prosecute (720.6) the homeowners. There was no other witness to confront the Plaintiff/s in accordance with the Confrontation Clause and the data was falsified with no photographic evidence to support the claims, though the inspector has three years of experience (31 U.S. Code § 3729). He is alleged to have falsely represented records (31 U.S. Code § 3729;) (720.5), and knowingly Reports or causes to be reported 718.6 perjured data 720.2, CLASS D FEL, 720.3, CLASS D FEL; 716.11 & 716.12 f., which was fraudulent practices (714.8/9).

An inspector was found to have carried out approximately five separate inspections without prior notice or consent, thus depriving the homeowners of their rights to life, liberty, enjoyment of property without interference, and due process. During the trial on April 12, 2023, Mr. Raleigh confessed to visiting the neighbors five times and acknowledged that he failed to inform the homeowners as legally required. Moreover, his actions were slanderous and humiliating. Allegedly, government employees started to harass the homeowners around this period. Trash/recycling bins were left up the street, in the street, or even taped

shut and placed at the center of the driveway for reasons that were not clear. The case was put on hold, and the plaintiffs managed to upload the documents with assistance. Once the documents reached the district court, the police department began to regularly station themselves in front of the homeowner's property, appearing to frown and grimace at the home, thereby tampering with the victims/witnesses (18 U.S. Code § 1512, CLASS C FELONY). Video footage captured at least five instances involving the officers, but the homeowners claimed there were many more unrecorded incidents. According to the law, this is also considered retaliation, as the officers allegedly carried out the inspections and searches by force, which goes against established law (808.6). In addition, the accused tortfeasors initiated forcible felonies as defined in Iowa Code 702.11. The officers were aware of each other's unlawful actions and neither intervened nor reported the incidents, suggesting an intent to conceal the information.

**Additional Statutory Violation/s:**

**Federal:** 1<sup>st</sup>; 4<sup>th</sup>; 5<sup>th</sup>; 6<sup>th</sup>; 8<sup>th</sup>; 9<sup>th</sup>; 14<sup>th</sup> Amendment 10 U.S. Code § 919b - Art. 119b; 10 U.S. Code § 932 Art. 132; 18 U.S. Code 245, MISD; 18 U.S. Code § 1512, CLASS C FELONY; 18 U.S. Code § 2071; 25 CFR § 11.401; 29 U.S. Code § 1452; 31 U.S. Code § 3729; 42 U.S.C. 1983, FELONY

**State:** Article 1 Section 1; Section 8; Section 9; Section 17; Section 6; Section 20; 216.11; 702.11; 703.3; 706.3, CLASS C FELONY; 708.7; 708.11; 713.3; 713.6A; 714.8/9; 716.4; 716.7(2)(a); 716.8; 716.11 & 716.12; 718.6; 719.3; 720.1; 720.2, CLASS D FEL; 720.3, CLASS D FEL; 720.5; 720.6; 721.1; 726.6(4); 808.6

**Negligence**

Subsequent to the petition's filing, there were incidents that seemed to constitute harassment of the household members by police and city employees, involving interference with trash/recycling bins and prolonged vehicle presence outside the home, possibly to thwart the plaintiffs' efforts to capture video or photographic proof (notably on February 13, 2024, at 10:20 p.m., North bound, heading west on Caulder). A review of select home surveillance footage by the homeowners suggests potential tampering with a victim/witness, potentially in violation of 18 U.S. Code § 1512(c), and behavior that could be deemed retaliatory, actions which are also against Constitutional and federal laws. In addition to the pattern of allegation alleged in this case, similar allegations have been previously made against the City of Des Moines and other cities in Iowa (listed below), which is why the State of Iowa and Governor has been named in this case allegedly. The pattern of reckless conduct appears to occur regularly, and apparently

depicts the culture of the environment, dates back at least five years. The patterned behavior has allegedly resulted in excessive force, unfair treatment, and even murder.

- KLEIN v. Burlington Police Department and Iowa Department of Public Safety, Division of Criminal Investigations, Intervenors–Appellees. (2021) No. 20-0657 Murder of mom of three (PE31 JESSIE HILL)
- Williams v. City of Burlington, 516 F. Supp. 3d 851 Man of Color killed by Iowa Police (PE32 MARQUIS JONES)
- Fugenschuh v. Minnehan et al 4:2020cv00227 Man racially profiled by Des Moines police (PE33 DOMEKO FUGENCHUH)
- Jared Clinton v. Ryan Garrett, No. 21-2763 (8th Cir. 2022) Man racially profiled by Des Moines police (PE35 JARED CLINTON)
- Courtney Saunders v. Kyle Thies, et al 21-2180 for unreasonable search and seizure (PE36 COURTNEY SAUNDERS)
- BURNIKEL v. City of Des Moines, Iowa, Defendant. (2018) excessive force (PE38A OFFICER GREG WESSEL (2018))
- Tracy Rhoads Et Al V DMPD, City of Des Moines Sexual assault, Genderism, Retaliation (PE43 JESSICA BASTIAN)
- Smith V. Des Moines Public School System (1996)(pein4 Female Employee Of Des Moines Police Department False Statement); and many others, which are presented as evidence.

Moreover, the cases of Breonna Taylor, Philando Castile, and Alton Sterling, among others, have shown that home invasions by armed officers can result in life-threatening and fatal outcomes as in the following reports:

- a) IA Cop Mistakenly Shoots Mom-Of-3 While Aiming For The Family Dog - YouTube: Police officer moments after shooting Iowa mom: 'I'm going to prison' (desmoinesregister.com)
- b) IA Burlington, Iowa settles fatal police shooting suit for \$5 million - YouTube Fatal Iowa police shooting: Additional body camera footage released (desmoinesregister.com)
- c) CA Armed man shot and killed by Hemet officers in own backyard - YouTube Armed man shot by officers in Hemet backyard (foxla.com)
- d) TX Cops Fatally Shoot Unarmed Black Man In His Own Backyard - YouTube Stephon Clark settlement: Children of man killed by Sacramento police will get \$2.4 million | CNN
- e) TX Texas Police Officer Fatally Shoots Unarmed Black Man In His Yard | NBC Nightly News - YouTube Texas man fatally shot by police during mental health check, family calls for officer's arrest (nbcnews.com)
- f) TX Family Demands Answers After Austin Police Shooting Leaves Man Dead On His Own Porch - YouTube 'He did nothing wrong': Family of Texas entrepreneur fatally shot by police say he was defending his home (nbcnews.com)
- g) UT Interaction with Salt Lake City police after cop shot dog - YouTube Utahns upset over cop shooting dog make emotional appeals to Salt Lake City Council - The Salt Lake Tribune (sltrib.com)
- h) OK Oklahoma Officers Charged With Manslaughter In Fatal Shooting Of Unarmed Black Man - YouTube Reinstatement ordered for Oklahoma officers who fatally shot unarmed Black man | AP News

**Additional Statutory Violation/s:**

**Federal:** 13 U.S. Code § 212, MISD; 18 U.S. Code § 1091; 18 U.S. Code § 2331(5); 18 U.S. Code § 2384, FELONY; 42 U.S. Code § 1986

9) **COMMERCE/BUSINESS**

The Plaintiff/s argue that they have been attempting to get justice, and the home-based businesses have been neglected causing financial hardship on the presumed innocent homeowners; which has resulted in spiritual, physical, mental, and emotional disturbance. **Additional Statutory Violation/s:** Federal: **18 U.S. Code § 1951.**

**SECTION 2: INJURED PARTY:**

As a homeowner, new small-home-based business owners (Since 2021 approx.), homeschooler (approx. 10 years), and single parent, the Appellant have suffered, greatly, as a result of this case, which has affected their:

- Life
- Liberties
- Property
- Pursuit of Happiness
- Reputations
- Spiritual wellbeing
- Mental wellbeing
- Emotional wellbeing
- Physical wellbeing, and
- Financial stability, to name a few.

After exhausting all options through "Find A Lawyer" and "Google Search" without finding any willing representation, the Petitioner had no alternative but to self-represent as Attorney-in-Fact/Pro Se/Sui Juris. This has proven especially difficult for the Appellant, who, after a 20-year career in Healthcare, lacks legal expertise. They have experienced physical symptoms such as migraines, joint aches, and eye strain, as well as mental challenges including anguish, anxiety, and depression, leading to substantial disruptions in their life, liberty, pursuit of happiness, enjoyment of property, security, and normalcy. Additionally, homeschooling efforts and new business ventures have been impacted, with household finances stretched thin due to reduced income and expenses incurred from printing, certified mail, and other case-related costs. Despite extensive efforts, video evidence, and a documented pursuit of justice for alleged criminal acts by government officials, rights infringements, damage to Real Property and community reputation

through presumed slander and fraud, as outlined in the petitions, a thorough investigation under federal and state laws is justified.

## **SECTION 2: DAMAGE**

### **Actual Damage**

**Gate:** Repair/Replacement: Approximately \$5,000 (ballpark); "Gates are built from scratch and quotes could change."

- Justus Fencing
- Invisible Fence of Central Iowa
- Des Moines Steel Fence Co., Inc.

#### **Shed door:**

- Amazon \$180 (X2) plus tax and labor
- Home Depot \$140 (X2) plus tax and labor
- Lowe's \$349.00 plus tax and labor

#### **Car Battery:**

- Batteries Plus \$159.99 plus tax and labor
- Advances Auto 169.99 plus tax and labor
- AutoZone \$149.99 plus tax and labor

#### **Plant:**

- Destruction of five-year old plant \$500.00

### **Reputation Libel/ Defamation/ Slander:**

- Humiliation in their community
  - @\$500,000 respectively *for each incident*

### **Financial:**

- Disruption of Life
- Interference which interrupted home-based businesses
  - \$1,000,000 @ \$250,000 each business

### **Mental:**

- Insecurity
- Intimidation
- Depression
- Anxiety
- Insomnia
- Stress
  - @\$500,000 respectively for each offense

### **Emotional:**

- Intentional Infliction of Emotional Distress
  - @\$1,500,000 respectively for each offense

### **Physical:**

- Case preparation related pains such as: headache, eyestrain, bodily pains, others
  - @\$1,500,000 respectively for each offense

**Spiritual:**

- Cause of low vibrational frequencies
  - @\$1,000,000 respectively

**Statutory Damages:**

- Original Petition Table (\$50,000,000 presumably)

**Constitutional Tort:**

- FEDERAL: \$5,000,000.00 each violation/ each offender
- STATE: \$5,000,000.00 each violation/ each offender

**Failure To Give Notice:**

- \$100.00 for each day up to now \$50,000.00

**Speculative:**

- therapy/chiropractic/medical care \$250,000

**Special:**

- Life insurance \$1,000,000 (X2) for each victim Total \$2,000,000.00

**Statutory: (ALL)**

- Approximately \$50,000,000

**Compensatory:**

- @ \$10,000 PER MONTH PER BUSINESS

**Punitive:**

- \$1,500,000.00 EACH TORTFEASOR
  - JOHN DOE,
  - JANE DOE,
  - Joshua Raleigh
  - Molly Tracy
  - Others/separate possible case

**Privacy Act Violation**

Willful misuse or disclosure of personal 5 U.S.C.105(c)(2), Ethics in Government Act of 1978, unlawful acquisition or use of public reports:

- Total \$11,000.

**Concealment** 5 U.S.C. App. 4 104(a), Ethics in Government Act of 1978, falsification or failure to file required reports

- Total \$11,000.

**Noneconomic**

- \$15,000,000.00

**Economic**

- o \$15,000,000.00

**False Claims Acts** 31 U.S.C. 3729(a) False Claims Act; FN3 Violations 28 CFR 85.3(a)(9)

- o Min \$13,508, Max \$27,018.

#### **Fraud**

- o 31 U.S.C. 3802(a)(1), Program Fraud Civil Remedies Act, violation involving false claim: Total \$5,500
- o 31 U.S.C. 3802(a)(2), Program Fraud Civil Remedies Act, violation involving false statement: from \$5,000 to \$5,500.
- o 42 U.S.C. 3614(d)(1)(C), Fair Housing Act of 1968, as amended (Pattern or Practice Violation): (i) The civil monetary penalty amount for a first order \$75,000; (ii) The civil monetary penalty amount for a subsequent order \$150,000
- o 42 U.S.C. 3614(d)(1)(C)(ii) Fair Housing Act of 1968; subsequent violation 28 CFR 85.3(b)(3)(ii) \$230,107
  - TREBLE X3

### **SECTION 3: DUTIES OF THE GOVERNMENT BODY**

“The corporation is an artificial entity which owes its existence and charted powers to the state; but the individual’s right to live and own property are natural rights for the enjoyment of which an excise cannot be imposed.” Redfield v. Fisher 292 P. 813, 819 (1930)

#### **STATE OF IOWA/CITY OF DES MOINES**

States are legally obligated to safeguard and advance human rights, which encompasses the right to social security, ensuring individuals can exercise their rights without discrimination. The state's responsibility extends to social protection and human rights. The 10th Amendment stipulates that powers not granted to the United States by the Constitution, nor prohibited to the States, are reserved for the States or the people. This is outlined in the U.S. Constitution's Tenth Amendment, as annotated in resources provided by Congress.gov and the Library of Congress.

#### **GOVERNOR**

Article IV, Section I of the Iowa Constitution states that the supreme executive power shall be vested in a chief magistrate, titled the Governor of Iowa. The Governor is an elected constitutional officer, the head of the executive branch, and the highest state office in Iowa. According to Article IV, Section 8, the Governor's duties include transacting all executive business with government officers, both civil and military, and requesting written information from executive officers regarding their duties. Section 70A.8 of the Code specifies the Governor's duty regarding state accounts. Additionally, the Governor is required to maintain a journal in the executive office, recording each official act, except in emergencies when the act

is performed outside the office, in which case the entry should be made as soon as possible. This includes a military record of acts performed as commander in chief. Furthermore, Article IV, Section 9, titled "Execution of Laws," mandates that the Governor ensure the laws are faithfully executed.

#### MAYOR

According to the Municode Library under Sec. 2-169 "Head of city for service of civil process", the mayor shall be recognized as the official head of the city by the courts and officers of the state upon who service of civil process may be made.

#### CITY OF DES MOINES/ MANAGER

Article 3, Section 86-42 of the Municode Library declares that the City of Des Moines and the Des Moines Police Department are dedicated to the unbiased and equitable treatment of all individuals. The City Manager is tasked with organizing city departments and officers in relation to administrative services and functions of the City's subdivisions, such as the Police and Neighborhood Services Departments, as detailed in Section 2-203 of the Municode Library. The City Manager appoints public information officers to oversee public affairs staff in delivering public services, disseminating information, handling citizen complaints, broadcasting city meetings, and promoting city facilities as per Section 2-204. The City Manager is obliged to attend all city council meetings unless excused and may participate in discussions but has no voting rights, as per Section 2-56.

#### DES MOINES POLICE DEPARTMENT/CHIEF of POLICE

Chief of Police, have an obligation to supervise and direct the police department, be responsible to the city manager for police department functions, and the *Authority to prescribe rules and regulations*, as outlined in the Municode Library, under Sec. 86-27.-Chief of police. Some of the duties of the Chief of police are outlined in the Municode Library under Sec. 86-27. Article 3, under Sec. 86-42 in the Municode Library, it states that, "The City of Des Moines and the Des Moines Police Department shall be committed to the unbiased, equitable treatment of all.

#### DES MOINES NEIGHBORHOOD INSPECTION DIVISION/DIRECTOR



In the Municode Library, under Sec. 90-61(b)(1), it states that the Director is responsible for the professional implementation of the policies, programs, and plans adopted by the housing services board and for representing the position of the board with regard thereto; and under (5) in the same section, it states that he is also responsible for Supervision of the division of housing services and its employees, and for (6) [a]ll municipal housing agency operations and activities, and (8) other duties assigned by the city manager.

**Sec. 2-924. - Divisions enumerated.**

**DES MOINES CITY ATTORNEY/CITY ATTORNEY**

The city attorney shall: (1) Supervise and be responsible for the performance of all the duties of the legal department. (2) Exercise supervisory power over the other officers and employees of the legal department in all matters pertaining to the duties of their office. (3) Promptly account for all moneys received by him or her belonging to the city or received in his or her official capacity and pay the moneys into the city treasury. (4) Have full and complete authority to require any city employee to render any service necessary at any time or place in order to carry out the duties of his or her office.

SUPERVISORS; Iowa Code 703.4 Responsibility of employers.

**POLICY**

According to policy, notification to the owners [*before*]entering their property, is required according to **Sec. 61-19**, under “Notices” (a) Notice to abate a violation shall be given prior to city action to abate a violation, except that in the event of an emergency,

**Sec. 60-196. - Public nuisance notice procedure.**

- (a) The owner(s) shall be notified in writing.
- (c) The notice shall be served personally or by certified mail, return receipt requested.

**A city inspector and city attorney on behalf of the assistant city attorney were added as a result concerning the following: Sec. 810. [42 U.S.C. 3610] (a) (2) (A)** A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

REASON FOR GRANTING THE PETITION

There is a guaranteed right to present to a court of law allegations concerning the violation of constitutional rights, which was held in *Smith v. Maschner*, 899 F.2d 940 at 947 (10th Cir.1990). When jurisdiction was challenged concerning the judge's authority to try the case considering that the court rules had not been followed, which may have violated constitutional laws regarding due process and equal access to the laws. Moreover, the case comprised of individuals/entities such as the State of Iowa and the Governor and where the Money Demand was greater than \$75,000. The district court/clerk may have altered and/or deleted files to hide errors or unfair treatment during the course of the trial and appeals, which may be unlawful. Once challenged jurisdiction must be determined and a judge or court does not have the authority to determine its own jurisdiction presumably, and therefore due process had not been followed. Additionally, the principal accused tortfeasor remain unknown, although video, and a statement, were provided. Years have passed and the requested dash, lapel, and body camera footage have perhaps been destroyed. When the case was moved earlier than the rules allow, it deprived the petitioners of a fair change at justice, and the petition had been removed by the clerk, and therefore could not have been available for proceedings. **"A thing void in the beginning does not become valid by lapse of time."** 1 S. & R. 58. Maxims of Law Black's Law Dictionary 9<sup>th</sup> Edition page 1866. (Quotations added and possible omissions) Therefore this Writ should be granted.

#### **NOTICE OF INTENT TO COLLECT MONEY DAMAGE FOR VIOLATIONS AND DAMAGE**

Notice to agent is notice to principal, notice to principal is noticed to agent. The Appellant am attempting to contact you concerning this legal matter. The Appellants are attempting to settle outside of court. Please contact me concerning this matter within two weeks or by 8-26-2024. The amount sought is \$288 million, which is consistent with violations, damages, statutory damage, and restitution.

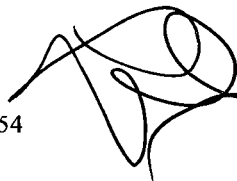
I attest or affirm that this information is compliant with laws concerning penalty of perjury under federal and state laws.

Thank you.

/Railback: Latressa D./autograph 8-12-2024

Latressa Railback Attorney-in-Fact Latressa4@yahoo.com

3423 SW 8<sup>TH</sup> STREET; DES MOINES, IOWA, 50315; 515-423-1654

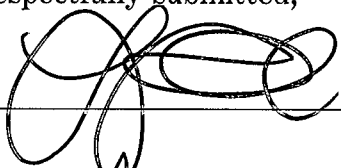


✓

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_  
Date: Aug 12 2024

