

CLD-139

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. 24-1557

KEEBA HARRIS, Appellant

VS.

COMMONWEALTH OF PENNSYLVANIA; PENNSYLVANIA ATTORNEY  
GENERAL'S OFFICE

(M.D. Pa. Civ. No. 1-23-cv-02150)

Present: KRAUSE, FREEMAN, and SCIRICA, Circuit Judges

Submitted are:

- (1) Appellant's Application for a Certificate of Appealability;
  - (2) Appellant's Petition to Join Petitions and Retention of Jurisdiction;  
and
  - (3) Tonia Scott's Petition to Join Petitions and Retention of Jurisdiction
- in the above-captioned case.

Respectfully,

Clerk

ORDER

The application for a certificate of appealability is denied. Appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Reasonable jurists could not debate the accuracy of the District Court's conclusion regarding Appellant's failure to exhaust her state court remedies. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (internal quotation marks omitted) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). Likewise, we deny Appellant's motion to consolidate her appeal with that of Tonia Scott, an appellant pursuing her case in a separate proceeding, No. 24-1465.

By the Court,

s/Anthony J. Scirica  
Circuit Judge

Dated: June 24, 2024  
PDB/cc: Keeba Harris  
All Counsel of Record



A True Copy:

*Patricia A. Dodszeit*

Patricia S. Dodszeit, Clerk  
Certified Order Issued in Lieu of Mandate

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 24-1557

---

KEEBA HARRIS,  
Appellant

v.

COMMONWEALTH OF PENNSYLVANIA;  
PENNSYLVANIA ATTORNEY GENERAL'S OFFICE

---

(D.C. Civ. No. 1-23-cv-02150)

---

SUR PETITION FOR REHEARING

---

Present: CHAGARES, Chief Judge, JORDAN, HARDIMAN, SHWARTZ, KRAUSE,  
RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-  
REEVES, CHUNG, and SCIRICA\*, Circuit Judges

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the

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\*As to panel rehearing only.

circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/Anthony J. Scirica  
Circuit Judge

Dated: September 19, 2024  
PDB/cc: Keeba Harris  
All Counsel of Record

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KEEBA HARRIS,</b>	:	<b>CIVIL ACTION NO. 1:23-CV-2150</b>
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
<b>COMMONWEALTH OF PENNSYLVANIA, et al.,</b>	:	
	:	
Respondents	:	

**ORDER**

AND NOW, this 29th day of February, 2024, upon consideration of the petition (Doc. 1) for writ of habeas corpus, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The petition (Doc. 1) for writ of habeas corpus is DISMISSED without prejudice for failure to exhaust state court remedies.
2. A certificate of appealability will not issue because jurists of reason would not debate the correctness of this procedural ruling. Slack v. McDaniel, 529 U.S. 473, 484 (2000).
3. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania

# Decree of the Saw Creek and Pine Ridge Indian Communities

## A DECREE TO ESTABLISH REQUIREMENTS FOR THE SAW CREEK AND PINE RIDGE INDIAN COMMUNITIES' JURISDICTION.

DECREE NO. 001

- I. WHEREAS, all Aboriginal/ Indian Title Land Patents (past, present and future) titled by Principal Chief Tonia' Scott shall be under the jurisdiction of the Saw Creek and Pine Ridge Indian Communities including tribal court, tribal law enforcement and tribal agencies.
- II. WHEREAS, "What can be restated here based on earlier findings is that Aboriginal Title is a *"quiet and uncontrolled"* possession *in generis*", See Cherokee Nation v. Georgia, 30 U.S. 15 (1831).
- III. WHEREAS, Aboriginal title creates a legally enforceable property right against anyone but Congress. See Recher v. Wetherby, 95 U.S. 517 at 525 (1877).
- IV. WHEREAS, in the Constitution of the Saw Creek and Pine Ridge Indian Communities, Article VII. Executive,
- Section 1. The executive power shall be vested in a Principal Chief, who shall be styled "The Principal Chief of the Saw Creek and Pine Ridge Indian Communities". The Principal Chief shall be the original land patent owner or a direct bloodline matriarchal descendant of the original land patent owner (heredity).
- V. WHEREAS, The Saw Creek and Pine Ridge Indian Communities is a Native American/ Indian tribe, with several county recorded Indian/ Aboriginal Title, land patents located in multiple states. "It owes from the acknowledgment at federal common law that Indian tribes are "distinct, independent political communities, retaining their original natural rights ..." Santa Clara Pueblo v. Martinez, supra, 436 U.S. at 55. "The powers of Indian tribes are, in general, 'inherent powers of a limited sovereignty which has never been extinguished.'" F. Cohen, Handbook of Federal Indian Law 122 (1945)" (Emphasis in original). United States v. Wheeler, 435 U.S. 313, 322 (1978). It is the long history, which predates the founding of this country, of tribes "as self-governing sovereign political communities" which establishes their claim of sovereignty. *Id.*, at 323. See also Cherokee Nation v. Babbitt, 117 F.3d 1489 (D.C. Cir., 1997) ("Tribal sovereign immunity does not derive from an act of Congress, but rather is one of

the inherent powers of a limited sovereignty which has never been extinguished.")

**VI. WHEREAS**, all Aboriginal / Indian Title lands recorded by Principal Chief Toniz' Scott (past, present and future) shall NEVER be in TRUSTED by a government and/or corporation and/or company and/or organization and/or individual (s). All Aboriginal / Indian Title lands recorded by Principal Chief Toniz' Scott (past, present and future) shall be governed and maintained by direct bloodline tribal members.

**VII. WHEREAS**, NO PRINCIPAL CHIEF SHALL BE A FIGURE HEAD, ONE MUST CONFORM TO THE DUTIES AS DIRECTED IN THE SAW CREEK AND PINE RIDGE INDIAN COMMUNITIES' CONSTITUTION AND DECREES.

**VIII. WHEREAS**, membership into the tribe is by direct bloodline to the Aboriginal / Indian Title holder, Principal Chief Toniz' Scott and/or kinship to the Aboriginal / Indian Title holder, Principal Chief Toniz' Scott; as well as the requirements in the Constitution of the Saw Creek and Pine Ridge Indian Communities, Article IV. Citizenship, Section 1. All citizens of the Saw Creek and Pine Ridge Indian Communities must be original enrollees or descendants of original enrollees listed on the Saw Creek and Pine Ridge Indian Communities Rolls. Enrollment requirements are in conjunction with a minimum of 50% (1/2) blood quantum of direct American Indian descent.

**IX. WHEREAS**, the court of jurisdiction for the Saw Creek and Pine Ridge Indian Communities shall be the Saw Creek and Pine Ridge Indian Communities Tribal Court. As stated in the COURT RULES OF THE SAW CREEK AND PINE RIDGE INDIAN COMMUNITIES TRIBAL COURT HANDBOOK, Section V., Jurisdiction (1), The Tribal Court shall have original jurisdiction extending to all cases, matters or controversies arising under and as may be limited by the laws, ordinances, regulations, customs and judicial decisions of the Saw Creek and Pine Ridge Indian Communities. In alliance with, Williams v. Lee, 358 U.S. 217, 220 (1959), Tribes possess the inherent authority "to make their own laws and to be ruled by them." And "within the boundaries of Indian lands, tribes can regulate like any other government". Atkinson Trading Post v. Shirley, 532 U.S. 645 (2001).

**X. WHEREAS**, there shall NEVER be a contract in waiving our tribal inherent sovereign immunity for litigation and/ or arbitration within and with States and/or counties and/ or municipalities and/or any form of local governments, pertaining

to civil and/or criminal jurisdiction; in reference to tribal members and/ or tribal officials.

**XI. WHEREAS, in McClanahan v Arizona State Tax Commission, 411 U.S. 164 (1973),** The trend has been away from the idea of inherent Indian sovereignty as a bar to state jurisdiction and towards reliance on federal pre-emption... the modern cases thus tend to avoid reliance on platonic notion of Indian sovereignty and to look instead to the applicable treaties and statutes which define the limits of state power..." "From the very first days of our government, the federal government had been permitting the Indians largely to govern themselves, free from state interference ", **ID.**, at 686-687, 6

**XII. WHEREAS,** and the Supreme Court has stated that as a matter of federal policy and comity, matters within the tribe's jurisdiction "presumptively" lie in tribal court. Iowa Mut. Ins. Co. v. LaPlante, 480 US 9, 18 (1987); As a result, even where federal court jurisdiction exists over a case involving tribal court jurisdiction, "a federal court should stay its hand until after the tribal court has had a full opportunity to determine its own jurisdiction." Sirate v. A-1 Contractors, 520 U.S. 438 (1997).

**XIII. WHEREAS, in Teague v. Bad River Band, (2000) holding that tribal courts deserve full faith and credit since they are the court of an independent sovereign. As confirmed in the CIVIL RIGHTS ACT OF 1968 [Public Law 90-284, 82 Stat. 73] and the 25 U.S.C. Title 25 - INDIANS CHAPTER 15 - CONSTITUTIONAL RIGHTS OF INDIANS §1322. (C) Force and effect of tribal ordinances or customs, Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section. (Pub. L. 90-284, title IV, §402, Apr. 11, 1968, 82 Stat. 79.)**

**XIV. WHEREAS, in 1997, in Idaho v. Coeur d'Alene Tribe, No. 94-1474,** the Supreme Court held that "Indian tribes ...should be accorded the same status as foreign sovereigns, against whom States enjoy Eleventh Amendment immunity."

**XV. WHEREAS,** Tribes have been exercising political and cultural sovereignty since long before the establishment of the United States, and their sovereignty is based not on any federal authority, but on principles of



international law. See *supra*, COHEN'S HANDBOOK OF FEDERAL INDIAN LAW, "What Is Federal Indian Law," at 1.

**XVI. WHEREAS**, the United States of America is a charter member of the United Nations. A United Nations resolution (UN resolution) is a formal text adopted by a United Nations (UN) body. The United Nations Declaration on the Rights of Indigenous People, signed by United States President Barak Obama is a legally binding United Nations General Assembly Resolution, General Assembly Resolutions have the same weight as full-fledged sources of international law:

- a. *Indigenous peoples HAVE THE RIGHT TO THE LANDS, territories and RESOURCES which they have traditionally owned, occupied or otherwise USED OR ACQUIRED- Article 26 (1)*
- b. *Indigenous peoples HAVE THE RIGHT TO OWN, USE, develop and control the LANDS, territories and RESOURCES that they possess by reason of traditional ownership or other traditional occupation or use. AS WELL AS THOSE WHICH THEY HAVE OTHERWISE ACQUIRED. -Article 26 (2)*

**XVII. WHEREAS**, in The Paquete Habana, 175 U.S. 677 (1900) Federal courts may look to customary international law because it is an integrated part of American law.

**XVIII. WHEREAS**, in Cooper v. Aaron, 358 U.S. 1 (1958) The states are bound by the decisions of the Supreme Court and cannot choose to ignore them.

**XIX. WHEREAS**, in Ableman v. Booth, 62 U.S. 506 (1859) State courts cannot issue rulings that contradict the decisions of federal courts.

**XX. WHEREAS**, State courts, like federal courts, have a "constitutional obligation" to safeguard personal liberties and to uphold federal law. Stone v. Powell 428 US 465, 96 S. Ct. 3037, 49 L. Ed. 2d 1067.

**XXI. WHEREAS**, the obligation of state courts to give full effect to federal law is the same as that of federal courts. New York v. Eno, 155 US 89, 15 S. Ct. 30, 39 L. Ed. 80.

XXII. WHEREAS, in Pennsylvania v. Nelson, 350 U.S. 497 (1956), was a United States Supreme Court case that established a precedent for the preemption of United States Federal law over State laws.

XXIII. WHEREAS, ALL DECREES are invokable, unless instructed in that particular decree.

XXIV. WHEREAS, in Worcester v. Georgia, 31 U.S. 515 (1832), the Supreme Court called Indian nations "the undisputed possessors of the soil, from time immemorial". It also held that the, "Indians were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it and to use it according to their own discretion".

BE IT RESOLVED THAT, the Saw Creek and Pine Ridge Indian Communities' requirements shall be enacted.

Certification

I, Principal Chief and Indian/ Aboriginal Title Owner Tonia' Scott of the Saw Creek and Pine Ridge Indian Communities, do hereby certify that Decree # 001 is true and exact as approved by the Tribal Council in a special meeting called on February 10, 2018.



A handwritten signature in dark ink, appearing to read "P.C. Tonia' Scott", written over a horizontal line.

Principal Chief and Indian/ Aboriginal Title Owner Tonia' Scott of the Saw Creek and Pine Ridge Indian Communities

ATTEST:

A handwritten signature in dark ink, appearing to read "Rosemary Scott", written over a horizontal line.

Rosemary Scott, Recording Secretary and Court Clerk of the Saw Creek and Pine Ridge Indian Communities

## Decree of the Saw Creek and Pine Ridge Indian Communities

A DECREE TO CONVEY PRINCIPAL CHIEF TONIA' SCOTT'S ABORIGINAL/ INDIAN TITLE- LAND PATENTS AND CONTRACTUAL PROPERTIES INTO THE SAW CREEK AND PINE RIDGE INDIAN COMMUNITIES' JURISDICTION.

DECREE NO. 011

I. WHEREAS, all Aboriginal/ Indian Title Land Patents (past, present and future) titled by Principal Chief Tonia' Scott shall be under the jurisdiction of the Saw Creek and Pine Ridge Indian Communities including tribal court, tribal law enforcement and tribal agencies.

II. WHEREAS, "What can be restated here based on earlier findings is that Aboriginal Title is a *"quiet and uncontrolled"* possession *sui generis*", See Cherokee Nation v. Georgia, 30 U.S. 15 (1831).

III. WHEREAS, in the Constitution of the Saw Creek and Pine Ridge Indian Communities, Article VII: Executive,

Section 1. The executive power shall be vested in a Principal Chief, who shall be styled "The Principal Chief of the Saw Creek and Pine Ridge Indian Communities". The Principal Chief shall be the original land patent owner or a direct bloodline matriarchal descendant of the original land patent owner (heredity).

IV. WHEREAS, The Saw Creek and Pine Ridge Indian Communities is a Native American/ Indian tribe, with a county recorded Indian/ Aboriginal Title, land patent located in the state of Pennsylvania. "It owes from the acknowledgement at federal common law that Indian tribes are "distinct, independent political communities, retaining their original natural rights..." Santa Clara Pueblo v. Martinez, supra, 436 U.S. at 55. "The powers of Indian tribes are, in general, 'inherent powers of a limited sovereignty which has never been extinguished.'" F. Cohen, Handbook of Federal Indian Law 122 (1945)\* (Emphasis in original). United States v. Wheeler, 435 U.S. 313, 322 (1978). It is the long history, which predates the founding of this country, of tribes "as self-governing sovereign political communities" which establishes their claim of sovereignty. Id., at 323. See also Cherokee Nation v. Babbitt, 117 F.3d 1489 (D.C. Cir., 1997) ("Tribal sovereign immunity does not derive from an act of Congress, but rather is one of the inherent powers of a limited sovereignty which has never been extinguished.")

V. WHEREAS, the court of jurisdiction for the Saw Creek and Pine Ridge Indian

Communities shall be the Saw Creek and Pine Ridge Indian Communities Tribal Court. As stated in the **COURT RULES OF THE SAW CREEK AND PINE RIDGE INDIAN COMMUNITIES TRIBAL COURT HANDBOOK**, Section V., **Jurisdiction (1)**, The Tribal Court shall have original jurisdiction extending to all cases, matters or controversies arising under and as may be limited by the laws, ordinances, regulations, customs and judicial decisions of the Saw Creek and Pine Ridge Indian Communities. In alliance with, Williams v. Lee, 358 U.S. 217, 220 (1959), Tribes possess the inherent authority "to make their own laws and to be ruled by them." And "within the boundaries of Indian lands, tribes can regulate like any other government." Atkinson Trading Post v. Shirley, 532 U.S. 645 (2001).

**VI. WHEREAS.** Monetary proceeds from the Aboriginal/ Indian Title Land Patents (past, present and future) titled by Principal Chief Tonia Scott shall be allocated towards the Saw Creek and Pine Ridge Indian Communities tribal government's fiscal budget.

**VII. WHEREAS,** "The Indian title, such as it was before the treaty ... consisted of the *usufruct* and right of occupancy and "enjoyment; and," so long as it continued, was superior to and excluded those claiming the reserved lands by patents made subsequent to the ratification of the treaty; they could not disturb the occupants under the Indian title. *That an action for ejectment could be maintained on an Indian right to occupancy and use, is not open to question.*" Citing Johnson v. McIntosh (1823), *supra*. Id. at 232.

**VIII. WHEREAS,** the Supreme Court has relied on the right to exclude others as the basis for recognition of constitutional property interests in land. See College Savings Bank v. Florida Prepaid Postsecondary Educ. Expense Bd., 527 U.S. 666, 673 (1999) ("[t]he hallmark of a protected property interest [in the constitutional sense] is the right to exclude others."). It has long been the law that Indians holding land under aboriginal title may maintain an ejectment action against trespassers. Marsh v. Brooks, 49 U.S. 223, 232 (1850) (the right of ejectment "is not open to question"); See also, Oneida Indian Nation v. County of Oneida, 470 U.S. 226 (1985) (Indians may maintain trespass actions for violations of their land rights).

**IX. WHEREAS,** in the Constitution of the Saw Creek and Pine Ridge Indian Communities, Article X. Fiscal,

A. **Section 1.** The fiscal year shall commence on the first day of October in each year, unless otherwise provided by law.

B. Section 2. The Saw Creek and Pine Ridge Indian Communities Tribal Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived, to defray the estimated expenses of the Executive, Legislative, and Judicial branches and the departments of government of the Saw Creek and Pine Ridge Indian Communities for each fiscal year. The budget shall not exceed estimated revenues.

X. WHEREAS, in Worcester v. Georgia, 31 U.S. 515 (1832), the Supreme Court called Indian nations "the undisputed possessors of the soil, from time immemorial". It also held that the, "Indians were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it and to use it according to their own- discretion".

BE IT RESOLVED THAT, all Aboriginal/ Indian Title Land Patents (past, present and future) titled by Principal Chief Toniah Scott shall be under the jurisdiction of the Saw Creek and Pine Ridge Indian Communities including branches such as the tribal court, tribal law enforcement and tribal agencies.

#### Certification

I, Principal Chief and Indian/ Aboriginal Title Owner Toniah Scott of the Saw Creek and Pine Ridge Indian Communities, do hereby certify that Decree # 011 is true and exact as approved by the Tribal Council in a special meeting called on February 01, 2019.



*Toniah Scott*  
Principal Chief and Indian/ Aboriginal Title  
Owner Toniah Scott of the Saw Creek and Pine  
Ridge Indian Communities

ATTEST:

*Rosemary Scott*  
Rosemary Scott, Recording Secretary and  
Court Clerk of the Saw Creek and Pine Ridge  
Indian Communities



# Supreme Court of Pennsylvania

Middle District

Amy Dreibelbis, Esq.  
Deputy Prothonotary  
Elizabeth E. Zisk  
Chief Clerk

601 Commonwealth Avenue, Suite 4500  
P.O. Box 62575  
Harrisburg, PA 17106  
(717) 787-6181  
[www.pacourts.us](http://www.pacourts.us)

May 4, 2022

RE: Commonwealth v. Harris, K., Pet.  
32 MM 2022  
Intermediate Court Docket No: 108 EDM 2021  
Trial Court: Pike County Court of Common Pleas  
Trial Court Docket No: CP-52-CR-0000690-2019

Dear Attorney Tonkin

This is to advise that the below listed item(s) was/were received in the above-captioned matter.

Application to Set Bail and/or Application for Writ of Habeas Corpus

An original (unbound) and one (1) copy of either the Answer, or a letter stating that an Answer will not be filed, is required to be filed within fourteen (14) days after service. An additional three (3) days may be added if service was effectuated by mail. See Rule Pa.R.A.P. 121(e).

All filings must contain a certification of compliance with the Public Access Policy of the Unified Judicial System. For more information,  
[www.pacourts.us/public-records/public-records-policies](http://www.pacourts.us/public-records/public-records-policies).

Very truly yours,

Office of the Prothonotary

/s/

cc: Keeba Harris

DISTRICT ATTORNEY  
RAYMOND J. TONKIN

Office of District Attorney  
of the County of Pike



PIKE COUNTY ADMINISTRATION BUILDING  
506 BROAD STREET  
MILFORD, PA 18337  
TELEPHONE (570) 296-3482  
FAX (570) 296-3559  
EMAIL: dsoffice@pikepa.org

May 5, 2022

Irene M. Bizzoso, Esq. Prothonotary  
Supreme Court of Pennsylvania  
Middle District  
601 Commonwealth Avenue, Suite 4500  
Po Box 62575  
Harrisburg, PA 17106

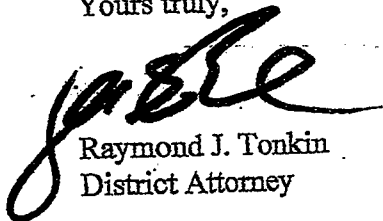
RE: Commonwealth v. Harris, K. Pet. 32 MM 2022

Dear Ms. Bizzoso:

Please be advised that the Commonwealth of Pennsylvania will not be filing an Answer to the Appellant/Petitioner's Application to Set Bail and/or Application for Writ of Habeas Corpus in the above matter. Enclosed herewith is an original and one (1) copy of a letter stating same which I ask you to file in this matter.

If you have any questions, please do not hesitate to contact this office.

Yours truly,



Raymond J. Tonkin  
District Attorney

RJT:ms  
Enclosures

cc: Keeba Scott Harris, *Pro Se*



# Supreme Court of Pennsylvania

Amy Dreibelbis, Esq.  
Deputy Prothonotary  
Elizabeth E. Zisk  
Chief Clerk

Middle District

601 Commonwealth Avenue, Suite 4500  
P.O. Box 62575  
Harrisburg, PA 17106  
(717) 787-6181  
[www.pacourts.us](http://www.pacourts.us)

May 16, 2023

RE: Commonwealth v. Harris, K., Pet.  
58 MM 2023  
Intermediate Court Docket No:  
Trial Court: Pike County Court of Common Pleas  
Trial Court Docket No: CP-52-CR-0000690-2019

Dear Attorney Tonkin

This is to advise that the below listed item(s) was/were received in the above-captioned matter.

Application for Extraordinary Relief

Application to Expedite

An original (unbound) and one (1) copy of either the Answer, or a letter stating that an Answer will not be filed, is required to be filed within fourteen (14) days after service. An additional three (3) days may be added if service was effectuated by mail. See Rule Pa.R.A.P. 121(e).

All filings must contain a certification of compliance with the Public Access Policy of the Unified Judicial System. For more information, [www.pacourts.us/public-records/public-records-policies](http://www.pacourts.us/public-records/public-records-policies).

Very truly yours,

Office of the Prothonotary

/dh

cc: Keeba Harris

Exhibit



DISTRICT ATTORNEY  
RAYMOND J. TONKIN

Office of District Attorney  
of the County of Pike



PIKE COUNTY ADMINISTRATION BUILDING  
506 BROAD STREET  
MILFORD, PA 18337  
TELEPHONE (70) 296-3482  
FAX (570) 296-3559  
EMAIL: dao@pikepa.org

May 17, 2023

Irene M. Bizzoso, Esq. Prothonotary  
Supreme Court of Pennsylvania  
Middle District  
601 Commonwealth Avenue, Suite 4500  
Po Box 62575  
Harrisburg, PA 17106

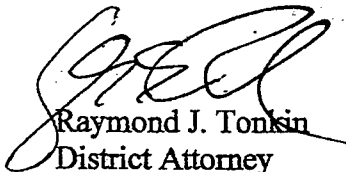
RE: Commonwealth v. Harris, K., Pet.  
58 MM 2023  
Intermediate Court Docket No.  
Trial Court: Pike County Court of Common Pleas  
Trial Court Docket No. CP-52-CR-0000690-2019

Dear Ms. Bizzoso:

Please be advised that the Commonwealth of Pennsylvania will not be filing an Answer to the Petitioner's Application for Extraordinary Relief and Application to Expedite. Enclosed herewith is an original and one (1)-copy of a letter stating same which I ask you to file in this matter.

If you have any questions, please do not hesitate to contact this office.

Yours truly,

  
Raymond J. Tonkin  
District Attorney

RJT:ms  
Enclosures  
cc: Keeba Harris, *Pro Se*

Exhibit



# Supreme Court of Pennsylvania

Middle District

Amy Dreibelbis, Esq.  
Deputy Prothonotary  
Elizabeth E. Zisk  
Chief Clerk

601 Commonwealth Avenue, Suite 4500  
P.O. Box 62575  
Harrisburg, PA 17106  
(717) 787-6181  
[www.pacourts.us](http://www.pacourts.us)

June 24, 2022

RE: Commonwealth v. Harris, K., Pet.  
32 MM 2022  
Intermediate Court Docket No: 108 EDM 2021  
Trial Court: Pike County Court of Common Pleas  
Trial Court Docket No: CP-52-CR-0000690-2019

Dear Attorney Tonkin

This is to advise that the below listed item(s) was/were received in the above-captioned matter.

Application to Expedite Application to Set Bail and/or Application for Writ of Habeas Corpus and Release of Tribal Personal Property

An original (unbound) and one (1) copy of either the Answer, or a letter stating that an Answer will not be filed, is required to be filed within fourteen (14) days after service. An additional three (3) days may be added if service was effectuated by mail. See Rule Pa.R.A.P. 121(e).

All filings must contain a certification of compliance with the Public Access Policy of the Unified Judicial System. For more information, [www.pacourts.us/public-records/public-records-policies](http://www.pacourts.us/public-records/public-records-policies).

Very truly yours,

Office of the Prothonotary

/s  
cc: Keeba Harris

Exhibit

DISTRICT ATTORNEY  
RAYMOND J. TONKIN

Office of District Attorney  
of the County of Pike



PIKE COUNTY ADMINISTRATION BUILDING  
506 BROAD STREET  
MILFORD, PA 18337  
TELEPHONE (570) 296-3482  
FAX (570) 296-3559  
EMAIL: dao@pikepa.org

June 27, 2022

Irene M. Bizzoso, Esq. Prothonotary  
Supreme Court of Pennsylvania  
Middle District  
601 Commonwealth Avenue, Suite 4500  
Po Box 62575  
Harrisburg, PA 17106

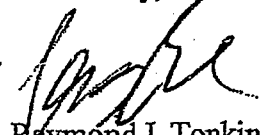
RE: Commonwealth v. Harris, K. Pet.  
32 MM 2022  
Intermediate Court Docket No. 108 EDM 2021

Dear Ms. Bizzoso:

Please be advised that the Commonwealth of Pennsylvania will not be filing an Answer to the Appellant/Petitioner's Application to Expedite Application to Set Bail and/or Application for Writ of Habeas Corpus and Release of Tribal Personal Property in the above matter. Enclosed herewith is an original and one (1) copy of a letter stating same which I ask you to file in this matter.

If you have any questions, please do not hesitate to contact this office.

Yours truly,

  
Raymond J. Tonkin  
District Attorney

RJT:ms'  
Enclosures

cc: Keeba Scott Harris, *Pro Se*

Exhibit

**DECLARATION OF OWNERSHIP AFFIDAVIT**

I, Tonia' Scott, being first duly subscribed and sworn under oath, state that I am the owner of real property commonly known as, **2710 Kingsbridge Lane, Allentown, Pennsylvania**, which said property, is located in **Lehigh County, Pennsylvania**, more particularly described as 5 Bedrooms /6 Bathrooms single family house.

Map Coordinates	Latitude: 40.573187	Longitude: -75.504549
District: 17	Block and Lot: 549529250995- 1	

My ownership of this property is evidenced from inheritance and in accordance to **Aboriginal title and original Indian title**. Legal precedence illustrates the following:

1. As an Indigenous American Indian woman, I, Tonia' Scott have Aboriginal title to my ancestral land of North America/ Turtle Island.
2. **Aboriginal title** is a common law doctrine that the land rights of indigenous peoples to customary tenure persist after the assumption of sovereignty under settler colonialism. All jurisdictions are in agreement that aboriginal title is inalienable, except to the national government, and that it may be held either individually or collectively. Aboriginal title is also referred to as **indigenous title, native title and original Indian title**
  - a. "Non- Indian bodies have no authority to title land, only to pay Compensation". **United States v. Alcea Band of Tillamooks**

Exhibit C

I, Andrea E. Naugle, Clerk of Judicial Records, hereby  
CERTIFY that this is a true and correct copy of the original  
document recorded in the Recorder of Deeds Division  
of Lehigh County, Pennsylvania 5-7-18  
by: *Andrea E. Naugle*  
Deputy

- b. Consider, also, these words of Justice Mansfield in *Oneida*:  
"This right of occupancy which the Indians retain until validly extinguished has been variously termed aboriginal title, unrecognized title, original Indian title, or simply *Indian title*."
- c. **Worcester v. Georgia, 31 U.S. 515 (1832)**, the Supreme Court called Indian nations "the undisputed possessors of the soil, from time immemorial". It also held that the Indians "were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own- discretion"
- d. **United States v. Cook, 86 U.S. 591 (1874)**, the court held: "This right of use' and occupancy by the Indians is unlimited. They may exercise it at their discretion". Id. at 593.
- e. **United States v. Cook**, supra, (2) "Indians are the equivalent of life tenants on their lands"
- f. In **Johnson v. McIntosh**, "The Court guarantee the occupants protection from intrusion." Id. at 1371-72
- g. **Edwardsen v. Morton, 369 F. Supp. 1359 CD. D.C. (1973)**,  
**United States v. Klamath and Moadoc Tribes**, supra, which took a similarly expansive view of Indian title right of occupancy as it existed prior to any treaty.
- h. In **Minnesota v Hitchcock, 185 U.S. 373 (1902)**," the court acknowledged that confessedly the fee of the land was in the United States (North America), subject to a right of occupancy by the

Indians". Id. at 388-89.

- i. **Cramer v. United States (1923)** was the first Supreme Court decision to acknowledge the doctrine of individual aboriginal title, not held in common by tribes.
3. The United States of America is a charter member of the United Nations. A United Nations resolution (UN resolution) is a formal text adopted by a United Nations (UN) body. The **United Nations Declaration on the Rights of Indigenous People**, signed by United States President Barak Obama is a legally binding United Nations General Assembly Resolution, General Assembly Resolutions have the same weight as full-fledged sources of international law:
  - a. *"In this Declaration Indigenous Peoples are those who Embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."*
  - b. Indigenous peoples **HAVE THE RIGHT TO THE LANDS, territories and RESOURCES** which they have traditionally owned, occupied or otherwise **USED OR ACQUIRED**—Article 26 (1)
  - c. Indigenous peoples **HAVE THE RIGHT TO OWN, USE, develop and control the LANDS, territories and RESOURCES** that they possess by reason of traditional ownership or other traditional occupation or use. **AS WELL AS THOSE WHICH THEY HAVE OTHERWISE ACQUIRED.** —Article 26 (2)

Dated this 01 day of OCT, 20 16.

Tina Scott  
Owner's Signature

**NOTARY ACKNOWLEDGEMENT**

EXECUTED this day 01 of OCTOBER, 2016.

STATE OF New York

COUNTY OF New York

On this day, personally appeared before me, Tina Scott, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed on this day of Oct 01, 2016.

Notary's Public Signature: Henry Calderon

My commission expires 09-10-2018

**HENRY CALDERON**  
**Notary Public, State of New York**  
**No. 01CA6043709**  
**Qualified in New York County**  
**Commission Expires 09-10-2018**

**ANDREA E. NAUGLE**  
**LEHIGH COUNTY CLERK OF JUDICIAL RECORDS**



Recorder of Deeds Division  
Deborah A. Casciotti, Chief Deputy  
Lehigh County Courthouse  
455 W. Hamilton Street - Room 122  
Allentown, PA 18101-1614  
(610) 782-3162

**\*RETURN DOCUMENT TO:**

TONIA SCOTT  
1735 MADISON AVENUE #13E  
NEW YORK, NY 10029

**Instrument Number - 2017006707**

Recorded On 3/7/2017 At 1:43:50 PM

\* Instrument Type - AFFIDAVIT

Invoice Number - 298120      User ID: LJS

\* Grantor - SCOTT, TONIA

\* Grantee - SCOTT, TONIA

\* Customer - TONIA SCOTT

**\*Total Pages - 5**

**\* FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES	\$13.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
UPI CERTIFICATION FEES	\$10.00
TOTAL PAID	\$28.50

I hereby CERTIFY that this document is  
Recorded in the Recorder of Deeds Office  
of Lehigh County, Pennsylvania



*Andrea E. Naugle*  
Andrea E. Naugle  
Clerk of Judicial Records  
Recorder of Deeds Division

**LCGIS Registry UPI Certification**  
**On March 7, 2017 By LY**

THIS IS A CERTIFICATION PAGE

**Do Not Detach**

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

**INSTRUMENT NUMBER - 2017006707**





**DECLARATION OF OWNERSHIP AFFIDAVIT**

I, Tonia' Scott, being first duly subscribed and sworn under oath, state that I am the owner of real properties commonly known as stated below which said properties, are located in **Allentown, Lehigh County, Pennsylvania**, more particularly described as of land and natural resources.

Address:	Block and Lot:
2209 Lehigh Street	Parcel ID 549599278244 1
7572 Schantz Road	Parcel ID 546508949351 1
2855 Lehigh Street	Parcel ID 549575542229 1
726-748 N 15 Street	Parcel ID 549742932950 1

My ownership of this property is evidenced from inheritance and in accordance to **Aboriginal title** and **Original Indian title**. Legal precedence illustrates the following:

1. As an Indigenous American Indian woman, I, Tonia' Scott have Aboriginal title to my ancestral land of North America/ Turtle Island.
2. **Aboriginal title** is a common law doctrine that the land rights of indigenous peoples to customary tenure persist after the assumption of sovereignty under settler colonialism. All jurisdictions are in agreement that aboriginal title is inalienable, except to the national government, and that it may be held either individually or collectively. Aboriginal title is also referred to as **indigenous title, native title and original Indian title**
  - a. "Non- Indian bodies have no authority to title land, only to pay Compensation". **United States v. Alcea Band of Tillamooks**

- b. Consider, also, these words of Justice Mansfield in *Oneida*:
- "This right of occupancy which the Indians retain until validly extinguished has been variously termed aboriginal title, unrecognized title, original Indian title, or simply *Indian title*."
- c. **Worcester v. Georgia, 31 U.S. 515 (1832)**, the Supreme Court called Indian nations "the undisputed possessors of the soil, from time immemorial". It also held that the Indians "were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own- discretion"
- d. **United States v. Cook, 86 U.S. 591 (1874)**, the court held: "This right of use' and occupancy by the Indians is unlimited. They may exercise it at their discretion". Id. at 593.
- e. **United States v. Cook**, supra, (2) "Indians are the equivalent of life tenants on their lands"
- f. In **Johnson v. McIntosh**, "The Court guarantee the occupants protection from intrusion." Id. at 1371-72
- g. **Edwardsen v. Morton, 369 F. Supp. 1359 CD. D.C. (1973)**, **United States v. Klamath and Moadoc Tribes**, supra, which took a similarly expansive view of Indian title right of occupancy as it existed prior to any treaty.
- h. In **Minnesota v Hitchcock, 185 U.S. 373 (1902)**," the court acknowledged that confessedly the fee of the land was in the United States (North America), subject to a right of occupancy by the

Indians". Id. at 388-89.

- i. **Cramer v. United States (1923)** was the first Supreme Court decision to acknowledge the doctrine of individual aboriginal title, not held in common by tribes.

3. The United States of America is a charter member of the United Nations. A United Nations resolution (UN resolution) is a formal text adopted by a United Nations (UN) body. The **United Nations Declaration on the Rights of Indigenous People**, signed by United States President Barak Obama is a legally binding United Nations General Assembly Resolution, General Assembly Resolutions have the same weight as full-fledged sources of international law:

- a. *"In this Declaration Indigenous Peoples are those who Embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."*
- b. Indigenous peoples **HAVE THE RIGHT TO THE LANDS**, territories and **RESOURCES** which they have traditionally owned, occupied or otherwise **USED OR ACQUIRED**- Article 26 (1)
- c. Indigenous peoples **HAVE THE RIGHT TO OWN**, **USE**, develop and control the **LANDS**, territories and **RESOURCES** that they possess by reason of traditional ownership or other traditional occupation or use. **AS WELL AS THOSE WHICH THEY HAVE OTHERWISE ACQUIRED**. -Article 26 (2)

Dated this 8<sup>th</sup> day of August, 2017.

Tania Scott  
Owner's Signature

**NOTARY ACKNOWLEDGEMENT**

EXECUTED this day 8 of Aug, 2017.

STATE OF NY

COUNTY OF NY

On this day, personally appeared before me, Tania Scott, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed on this day of 8 Aug, 2017

Notary's Public Signature: \_\_\_\_\_

SEAN E. STANTON  
Notary Public State Of New York  
No. 31-4905606  
Qualified in New York County  
Commission Expires Aug. 24, 2017

My commission expires \_\_\_\_\_

**ANDREA E. NAUGLE**  
**LEHIGH COUNTY CLERK OF JUDICIAL RECORDS**



**Recorder of Deeds Division**  
**Karen S. Collura, Chief Deputy**  
**Lehigh County Courthouse**  
**455 W. Hamilton Street - Room 122**  
**Allentown, PA 18101-1614**  
**(610) 782-3162**

**\*RETURN DOCUMENT TO:**

TONIA SCOTT  
1735 MADISON AVENUE #13E  
NEW YORK, NY 10029

**Instrument Number - 2017026319**

**Recorded On 9/7/2017 At 9:21:56 AM**

**\* Instrument Type - AFFIDAVIT**

**Invoice Number - 314465      User ID: LJS**

**\* Grantor - SCOTT, TONIA**

**\* Grantee - SCOTT, TONIA**

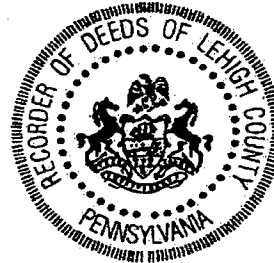
**\* Customer - TONIA SCOTT**

**\*Total Pages - 5**

**\* FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES	\$13.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
UPI CERTIFICATION FEES	\$40.00
TOTAL PAID	\$58.50

I hereby CERTIFY that this document is  
Recorded in the Recorder of Deeds Office  
of Lehigh County, Pennsylvania



*Andrea E. Naugle*

Andrea E. Naugle  
Clerk of Judicial Records  
Recorder of Deeds Division

**LCGIS Registry UPI Certification**  
**On September 7, 2017 By TLL**

**THIS IS A CERTIFICATION PAGE**

**Do Not Detach**

**THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT**

**\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.**

**INSTRUMENT NUMBER - 2017026319**



**DECLARATION OF OWNERSHIP AFFIDAVIT**

RECORDED-  
03/14/2013 9:32:16 AM  
RECORDER OF DEEDS  
LEHIGH COUNTY  
PENNSYLVANIA  
Inst Num: 2018006685

I, Tonia' Scott, being first duly subscribed and sworn under oath, state that I am the owner of real property commonly known as, **6000 Lori Court, Center Valley, Pennsylvania**, which said property, is located in **Lehigh County, Pennsylvania** more particularly described as 1.14 acres of land and natural resources; in conjunction with a 5 beds/ 5 baths single family house .

<b>Map Coordinates:</b>	Latitude: 40.516018	Longitude: -75.436674
<b>Parcel ID:</b>	641319529513-1	641319529513-1

My ownership of this property is evidenced from inheritance and in accordance to **Aboriginal Title** and **Original Indian Title**. Legal precedence illustrates the following:

1. As an Indigenous American Indian woman, I, Tonia' Scott have Aboriginal title to my ancestral land of North America/ Turtle Island.
2. **Aboriginal title** is a common law doctrine that the land rights of indigenous peoples to customary tenure persist after the assumption of sovereignty under settler colonialism. All jurisdictions are in agreement that aboriginal title is inalienable, except to the national government, and that it may be held either individually or collectively. Aboriginal title is also referred to as **indigenous title, native title and original Indian title**

- a. "Non- Indian bodies have no authority to title land, only to pay Compensation". **United States v. Alcea Band of Tillamooks**

- b. Consider, also, these words of Justice Mansfield in *Oneida*:  
"This right of occupancy which the Indians retain until validly extinguished has been variously termed aboriginal title, unrecognized title, original Indian title, or simply *Indian title*."
- c. **Worcester v. Georgia, 31 U.S. 515 (1832)**, the Supreme Court called Indian nations "the undisputed possessors of the soil, from time immemorial". It also held that the Indians "were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own- discretion"
- d. **United States v. Cook, 86 U.S. 591 (1874)**, the court held: "This right of use' and occupancy by the Indians is unlimited. They may exercise it at their discretion". Id. at 593.
- e. **United States v. Cook**, supra, (2) "Indians are the equivalent of life tenants on their lands"
- f. In **Johnson v. McIntosh**, "The Court guarantee the. occupants protection from intrusion." Id. at 1371-72
- g. **Edwardsen v. Morton, 369 F. Supp. 1359 CD. D.C. (1973)**, **United States v. Klamath and Moadoc Tribes**, supra, which took a similarly expansive view of Indian title right of occupancy as it existed prior to any treaty.
- h. In **Minnesota v Hitchcock, 185 U.S. 373 (1902)**," the court acknowledged that confessedly the fee of the land was in the United States (North America), subject to a right of occupancy by the

Indians". Id. at 388-89.

- i. **Cramer v. United States (1923)** was the first Supreme Court decision to acknowledge the doctrine of individual aboriginal title, not held in common by tribes.

3. The United States of America is a charter member of the United Nations. A United Nations resolution (UN resolution) is a formal text adopted by a United Nations (UN) body. The **United Nations Declaration on the Rights of Indigenous People**, signed by United States President Barak Obama is a legally binding United Nations General Assembly Resolution, General Assembly Resolutions have the same weight as full-fledged sources of international law:

- a. *"In this Declaration Indigenous Peoples are those who Embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."*
- b. Indigenous peoples **HAVE THE RIGHT TO THE LANDS**, territories and **RESOURCES** which they have traditionally owned, occupied or otherwise **USED OR ACQUIRED**- Article 26 (1)
- c. Indigenous peoples **HAVE THE RIGHT TO OWN**, **USE**, develop and control the **LANDS**, territories and **RESOURCES** that they possess by reason of traditional ownership or other traditional occupation or use. **AS WELL AS THOSE WHICH THEY HAVE OTHERWISE ACQUIRED**. -Article 26 (2)



Dated this 8<sup>th</sup> day of August, 2017.

[Signature]  
Owner's Signature

**NOTARY ACKNOWLEDGEMENT**

EXECUTED this day 8 of Aug, 2017.

STATE OF NY

COUNTY OF NY

On this day, personally appeared before me, Ben Scott, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed on this day of Aug 8, 2017

Notary's Public Signature: [Signature]

**SEAN E. STANTON**  
Notary Public State Of New York  
No. 31-4905608  
Qualified In New York County  
Commission Expires Aug. 24, 2017

My commission expires

**ANDREA E. NAUGLE**  
**LEHIGH COUNTY CLERK OF JUDICIAL RECORDS**



**Recorder of Deeds Division**  
**Karen S. Collura, Chief Deputy**  
**Lehigh County Courthouse**  
**455 W. Hamilton Street - Room 122**  
**Allentown, PA 18101-1614**  
**(610) 782-3162**

**\*RETURN DOCUMENT TO:**

TONIA SCOTT  
1735 MADISON AVENUE #13E  
NEW YORK, NY 10029

**Instrument Number - 2018006605**

**Recorded On 3/14/2018 At 9:32:16 AM**

**\*Instrument Type - AFFIDAVIT**

**Invoice Number - 330709      User ID: AME**

**\*Grantor - SCOTT, TONIA**

**\*Grantee - SCOTT, TONIA**

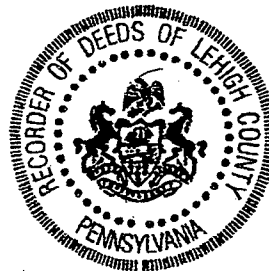
**\*Customer - TONIA SCOTT**

**\*Total Pages - 5**

**\*FEES**

STATE WRIT TAX	\$0.50
RECORDING FEES	\$13.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
UPI CERTIFICATION FEES	\$10.00
TOTAL PAID	\$28.50

I hereby CERTIFY that this document is  
Recorded in the Recorder of Deeds Office  
of Lehigh County, Pennsylvania



*Andrea E. Naugle*

Andrea E. Naugle  
Clerk of Judicial Records  
Recorder of Deeds Division

**LCGIS Registry UPI Certification**  
**On March 14, 2018 By TLL**

**THIS IS A CERTIFICATION PAGE**

**Do Not Detach**

**THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT**

\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

**INSTRUMENT NUMBER - 2018006605**



**DECLARATION OF OWNERSHIP AFFIDAVIT**

I, Tonia' Scott, being first duly subscribed and sworn under oath, state that I am the owner of real property commonly known as Pine Ridge, Bushkill, Pennsylvania, which said property is located in the unincorporated census-designated place of Lehman Township, Bushkill, Pennsylvania, more particularly described as:

Map Coordinates:	Latitude: 41.150833 41.1402 41.13135 41.1466332431681 41.15669 41.1309° N	Longitude: -74.99 -74.986 -75.00129 -74.99482575447934 -74.99067 74.9916° W
------------------	--	--

My ownership of this property is evidenced from inheritance and, in accordance to **Aboriginal title** and **original Indian title**. Legal precedence illustrates the following:

1. As an Indigenous American Indian woman, I have Aboriginal title to my ancestral land of North America/ Turtle Island.
2. **Aboriginal title** is a common law doctrine that the land rights of indigenous peoples to customary tenure persist after the assumption of sovereignty under settler colonialism. All jurisdictions are in agreement that aboriginal title is inalienable, except to the national government, and that it may be held either individually or collectively. Aboriginal title is also referred to as **indigenous title, native title and original Indian title**
  - a. "Non- Indian bodies have no authority to title land, only to pay

Compensation". **United States v. Alcea Band of Tillamooks**

- b. Consider, also, these words of Justice Mansfield in *Oneida*:  
"This right of occupancy which the Indians retain until validly extinguished has been variously termed aboriginal title, unrecognized title, original Indian title, or simply *Indian title*."
- c. **Worcester v. Georgia, 31 U.S. 515 (1832)**, the Supreme Court called Indian nations "the undisputed possessors of the soil, from time immemorial". It also held that the Indians "were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own- discretion"
- d. **United States v. Cook, 86 U.S. 591 (1874)**, the court held: "This right of use' and occupancy by the Indians is unlimited. They may exercise it at their discretion". Id. at 593.
- e. **United States v. Cook**, supra, (2) "Indians are the equivalent of life tenants on their lands"
- f. In **Johnson v. McIntosh**, "The Court guarantee the occupants protection from intrusion." Id. at 1371-72
- g. **Edwardsen v. Morton, 369 F. Supp. 1359 CD. D.C. (1973)**,  
**United States v. Klamath and Moadoc Tribes**, supra, which took a similarly expansive view of Indian title right of occupancy as it existed prior to any treaty.
- h. In **Minnesota v Hitchcock, 185 U.S. 373 (1902)**," the court acknowledged that confessedly the fee of the land was in the United States (North America), subject to a right of occupancy by the

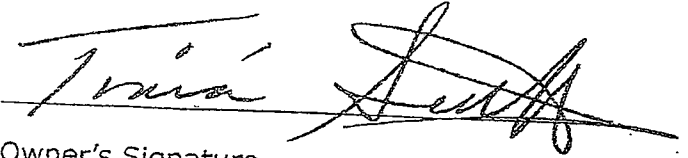
Indians". Id. at 388-89.

- i. Cramer v. United States (1923) was the first Supreme Court decision to acknowledge the doctrine of individual aboriginal title, not held in common by tribes.

3. The United States of America is a charter member of the United Nations. A United Nations resolution (UN resolution) is a formal text adopted by a United Nations (UN) body. The United Nations Declaration on the Rights of Indigenous People, signed by United States President Barak Obama is a legally binding United Nations General Assembly Resolution, General Assembly Resolutions have the same weight as full-fledged sources of international law:

- a. *"In this Declaration Indigenous Peoples are those who Embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."*
- b. Indigenous peoples **HAVE THE RIGHT TO THE LANDS**, territories and **RESOURCES** which they have traditionally owned, occupied or otherwise **USED OR ACQUIRED**- Article 26 (1)
- c. Indigenous peoples **HAVE THE RIGHT TO OWN, USE, develop and control the LANDS, territories and RESOURCES** that they possess by reason of traditional ownership or other traditional occupation or use. **AS WELL AS THOSE WHICH THEY HAVE OTHERWISE ACQUIRED.** -Article 26 (2)

Dated this 01 day of OCT, 2016.

  
Owner's Signature

**NOTARY ACKNOWLEDGEMENT**

201700001002  
Filed for Record in  
PIKE COUNTY, PA  
SHARON SCHRÖDER  
02-01-2017 At 10:49 am.  
AFFIDAVIT 54.00  
OR Book 2516 Page 526 - 529

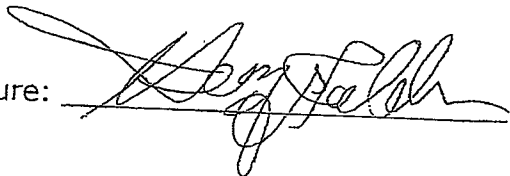
EXECUTED this day 01 of OCTOBER, 2016.

STATE OF NEW YORK

COUNTY OF NEW YORK

On this day, personally appeared before me, TOBYA SCOTT, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed on this day of OCT 01, 2016.

Notary's Public Signature: 

My commission expires 09-10-2018.

**HENRY CALDERON**  
Notary Public, State of New York  
No. 01CA6043709  
Qualified in New York County  
Commission Expires 09-10-2018

**DECLARATION OF OWNERSHIP AFFIDAVIT**

I, Tonia' Scott, being first duly subscribed and sworn under oath, state that I am the owner of real properties commonly known as Saw Creek, Bushkill, Lehman Twp. Pennsylvania 18324 which said properties are located in Pike County, Pennsylvania, more particularly described as large parcels of land and natural resources.

Map Coordinates:

Latitude:	Longitude:
N41.11871°	W75.05156°
N41.119475°	W75.046271°
N41.12093°	W75.04462°
N41.12092°	W75.05164°
N41.11871°	W75.05156°
N41.11259°	W75.05073°
N41.1034364°	W75.0426968°
N41.0890°	W75.0388°

My ownership of these properties are evidenced from inheritance and in accordance to **Aboriginal title** and **original Indian title**. Legal precedence illustrates the following:

1. As an Indigenous American Indian woman, I, Tonia' Scott have Aboriginal title to my ancestral land of North America/ Turtle Island.
2. **Aboriginal title** is a common law doctrine that the land rights of indigenous peoples to customary tenure persist after the assumption of sovereignty under settler colonialism. All jurisdictions are in agreement that aboriginal title is inalienable, except to the national government, and that it may be held either individually or collectively. Aboriginal title is also referred to as **indigenous title, native title and original Indian title**

- a. "Non- Indian bodies have no authority to title land, only to pay Compensation". **United States v. Alcea Band of Tillamooks**
- b. Consider, also, these words of Justice Mansfield in *Oneida*:  
"This right of occupancy which the Indians retain until validly extinguished has been variously termed aboriginal title, unrecognized title, original Indian title, or simply *Indian title*."
- c. **Worcester v. Georgia**, 31 U.S. 515 (1832), the Supreme Court called Indian nations "the undisputed possessors of the soil, from time immemorial". It also held that the Indians "were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own- discretion"
- d. **United States v. Cook**, 86 U.S. 591 (1874), the court held: This right of 'use' and occupancy by the Indians is unlimited. They may exercise it at their discretion. If the lands in a state of nature are not in a condition for purposes of agriculture, they may be cleared of their timber to such an extent as may be reasonable under the circumstances." Id. at 593.
- e. **United States v. Cook**, supra, (2) "Indians are the equivalent of life tenants on their lands"
- f. In **Johnson v. McIntosh**, "The Court guarantee the occupants protection from intrusion." Id. at 1371-72



3. The United States of America is a charter member of the United Nations and one of five permanent members of the UN Security Council. A United Nations resolution (UN resolution) is a formal text adopted by a United Nations (UN) body. The United Nations Declaration on the Rights of Indigenous People, signed by United States President Barak Obama is a legally binding United Nations General Assembly Resolution, General Assembly Resolutions have the same weight as full-fledged sources of international law:

- a. *"In this Declaration Indigenous Peoples are those who  
Embody historical continuity with societies which existed prior to  
the conquest and settlement of their territories by Europeans.."*
- b. *Indigenous peoples **HAVE THE RIGHT TO THE LANDS**, territories  
and **RESOURCES** which they have traditionally owned, occupied or  
otherwise **USED OR ACQUIRED**- Article 26 (1)*
- c. *Indigenous peoples **HAVE THE RIGHT TO OWN, USE**, develop and  
control the **LANDS**, territories and **RESOURCES** that they possess  
by reason of traditional ownership or other traditional occupation or  
use. **AS WELL AS THOSE WHICH THEY HAVE OTHERWISE  
ACQUIRED.** -Article 26 (2)*

Dated this 01 day of OCT, 2016.



Owner's Signature

201600008297  
Filed for Record in  
PIKE COUNTY, PA  
SHARON SCHROEDER  
10-11-2016 At 11:36 am.  
AFFIDAVIT 54.00  
OR Book 2506 Page 1601 - 1604

**NOTARY ACKNOWLEDGEMENT**


EXECUTED this day 01 of OCTOBER, 2016.

STATE OF NEW YORK

COUNTY OF NEW YORK

On this day, personally appeared before me, BONIA SCOTT, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed on this day of OCT 01, 2016.

Notary's Public Signature: 

My commission expires 09-10-2018.

**HENRY CALDERON**  
Notary Public, State of New York  
No. 01CA6043709  
Qualified in New York County  
Commission Expires 09-10-2018