

No. 25A974

25-7575

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

TIMOTHY MICHAEL DEVER — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

TIMOTHY MICHAEL DEVER 01298506
(Your Name)

F.C.I. OXFORD P.O. BOX 1000
(Address)

OXFORD WI 53952
(City, State, Zip Code)

(Phone Number)

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QUESTIONS PRESENTED

1. WHETHER MR. DEVER'S ACTIONS AND BEHAVIOR WERE CONSISTENT WITH THE PRESCRIPTIONS OF THE FIRST AMENDMENT?
2. WHETHER THE FEDERAL GOVERNMENT USURPED THE STATE'S SOVEREIGNTY, INDEPENDENCE, POWERS AND JURISDICTION IN DETRIMENT TO THE TENTH AMENDMENT TO THE CONSTITUTION?

PARTIES TO THE PROCEEDINGS

Petitioner, Timothy Michael Dever was the defendant-appellant below.

Respondent, United States of America was the plaintiff-appellee below.

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

United States of America v. Timothy Dever, No. 1:22-Cr-72-01 (W.D.N.C.);

United States of America v. Timothy Dever, No. 23-4557 (4th Circuit)

There are no other proceedings in State or Federal trial or appellate courts, or in this Court, directly related to this case within the meaning of this Court's Rule 14.1(b)(iii).

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APPLICATION NO. 25A974

IN THE SUPREME COURT OF THE UNITED STATES

Timothy Michael Dever,
PETITIONER,

v.

UNITED STATES OF AMERICA,
RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Petitioner, Timothy Michael Dever, henceforth, Mr. Dever, respectfully petitions for a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

Mr. Dever was unable to obtain the Opinions to the Court of Appeals and the District Court below as neither are published.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. §1254(1) because the Court of Appeals entered its final judgment on this matter, December 3, 2025.

STATUTORY PROVISIONS INVOLVED

The First Amendment to the Constitution which authorizes "freedom of speech" and which according to such Amendment, no legislation can abrogate such right; the Tenth Amendment to the Constitution which guarantees that the States retain all powers, independence, jurisdiction and sovereignty.

NO. 25A974

IN THE SUPREME COURT OF THE UNITED STATES

TIMOTHY MICHAEL DEVER - PETITIONER

VS.

UNITED STATES OF AMERICA -RESPONDENT

PETITION OF WRIT OF CERTIORARI

NOW COMES, Timothy Michael Dever, henceforth, Mr. Dever, a PRO SE litigant, who most humbly and respectfully submits the foregoing as captioned. In support thereof Mr. Dever will show the Court as follows--

a. Mr. Dever is currently incarcerated at FCI Oxford, Wisconsin.

b. Mr. Dever's case presents good cause for this Court to correct constitutional violations which the People of the United States should never suffer. For example, Unconstitutional deprivation of rights, freedom and property for exercising a right protected by the First Amendment, id est, the freedom of speech, and loss of property due to wrongful prosecution.

c. Mr. Dever asks the Court to consider that Courts like this one review Pro Se pleadings under a less stringent standard than those drafted by attorneys. And that such pleadings are entitled to liberal construction that includes all reasonable inferences which can be drawn from them. See, EG., Haines v. Kerner, 404 U.S. 519,520-21 (1972).

d. Any VITIUM SCRIPTORIS within, are neither deliberate nor voluntary, as this document was typed using archaic equipment with no spell check.

e. "The care of human life and happiness, and not their destruction, is the FIRST and ONLY object of good government." President Thomas Jefferson.

STATEMENT

The questions presented call out this Court's immediate review. The conflict between the interpretation of the Constitution of the United States ("the Constitution") by the federal government is deep and entrenched. Mr. Timothy Michael Dever ("Mr. Dever") presented evidence that his actions and behavior were consistent with the provisions of the First Amendment to the Constitution and that the UNITED STATES COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ("the N.C. Court") refused to consider this information, in fact, the N.C. Court mocked Mr. Dever's arguments. Only this Court can act to restore uniformity and ensure that all defendants who conform all of "We the People" as ascribed in the Constitution are considered on an equal basis, regardless of the court in which they happen to find themselves.

The Court should act now, because the conflict is too important to ignore. The Constitution offers relief from a draconian sentencing regime to thousands of incarcerated individuals like Mr. Dever.

In sum, this case presents an ideal opportunity to resolve an intractable conflict between the federal government and the Sovereign States of the Union in a clear usurpation of their powers on a critical and recurring question of constitutional law. Only this Court's intervention can resolve the conflict and ensure that a historic constitutional justice reform offers relief equally to all individuals.

a. STATUTORY BACKGROUND

The constitution does not confer the federal government the power to usurp a State's sovereign jurisdiction. In fact, every Founding Document provides that each State RETAINS their sovereign jurisdiction and powers.

1. This Court is--per the Constitution--MANDATED to review this case under the standard that the Court's cases have used to determine whether the federal government has usurped the States jurisdiction and powers.

Nevertheless, the Constitution and every Founding Document make no express reference to a right for the federal government to usurp such sovereignty and powers from the States. In fact, no constitutional provision may be offered as potentially suggesting an implicit constitutional right for the federal government to usurp the States sovereignty and powers.

2. Next, the Court must examine whether the right for the federal government to usurp the States sovereignty and powers exist, and if does, examine if its rooted in the Nation's history and tradition and whether it is an essential component of "ordered liberty." In short, this Court will find that such a right to usurp the States sovereignty and powers is nowhere to be found in any of the Founding Documents. Thus, the Court must examine whether the federal government has the power to usurp an individuals' VI Amendment right to an Article III trial

by jury, by a "STATE" court in the State in which the alleged crime occurred.

A. Thus, because the federal government cannot usurp the States' sovereignty and powers, any citizen from the Sovereign States Due Process is protected in two categories of substantive rights, *id est*--

- i. Those rights guaranteed by the First Amendment to the Constitution, and
- ii. Those rights deemed fundamental that are not mentioned anywhere in the Constitution, but which are part of each of the Sovereign States' own Constitution and which are protected by the Tenth Amendment of the Constitution.

B. Thus, in deciding whether a right falls into either of these categories, the question is whether the right is "deeply rooted in [our] history and tradition" and whether it is essential to this Nation's--as envisioned by our Founding Fathers--"scheme of ordered liberty." SEE, *Timbs v. Indiana*, 586 U.S. ___, ___, 139 S.Ct. 682, 203 L.Ed.2d 11.

- i. The term "liberty" alone provides little guidance. Thus, historical inquiries are essential whenever this Court is asked to recognize a new component of the "liberty" interest protected by the Due Process Clause.
- ii. The Court will find the need to review the Founding Father's vision for this Nation as set forth in "The Federalist Papers" persuasive. Where need, this Founding Document is quoted verbatim. In interpreting what the Court meant by "liberty," the Court must follow the Founding Father's views as they recorded them in the Founding Documents, thoroughly explained in "The Federalist Papers."

C. Thus, guided by the history and tradition that map the essential components of the Nation's concept of State sovereignty and powers, the Court will find that the federal government has no power to usurp such sovereignty and powers.

3. Finally, the Court should consider whether the federal government usurped the Sovereign State of Illinois' jurisdiction and powers as to transfer such jurisdiction to the N.C. Court; and whether such action is permissible by the Declaration of Independence, the Constitution, the Bill of Rights, Articles of Confederation and if such action was envisioned by the Founding Fathers' as they thoroughly explained in The Federalist Papers.

A. Thus, the Court is--per the Founding Documents--MANDATED to review if the N.C. Court had jurisdiction to try and sentence a citizen of the Sovereign State of Illinois out of the procedure prescribed in the aforementioned Founding Documents.

B. The Court must also review if the reasoning of the UNITED STATES WESTERN DISTRICT OF NORTH CAROLINA has constitutional, traditional and historic standing as to usurp the Sovereign State of Illinois' jurisdiction and

powers to try and sentence one of its own citizens.

b. PROCEDURAL HISTORY

Mr. Dever's alleged crime for which he was convicted involves activities and behavior which are protected by the First Amendment of the Constitution. Because he was punished for doing what the law allows him to do, he has experienced egregious life threatening deprivation of rights under color of law; he was refused bail; he suffered cruel and unusual punishment.

He bases this claim on the immovable fact that each Founding Document provides that the States are SOVEREIGN and that they RETAIN their freedom, independence, jurisdiction and EVERY power, id est, the power to arrest, try and imprison one of its own citizens; and if a citizen of a different State of the Union is found within their territory, such should be extradited in accordance to what the Founding Documents prescribe. The same is true if a different jurisdiction is requesting the extradition of a citizen of any of the sovereign States. In sum, every State RETAINS their jurisdiction and rights, all of which are to be INVOLABLY OBSERVED and PERPETUAL unless such alteration to the Constitution is agreed upon by a fully assembled Congress of the United States and confirmed by the legislators of every State. Such alterations, to this date, have not occurred.

The first question for review is WHETHER MR. DEVER'S ACTIONS AND BEHAVIOR WERE CONSISTENT WITH THE PRESCRIPTIONS OF THE FIRST AMENDMENT?

Here, Mr. Dever spoke--into a microphone--mostly about toxic cancerous tapwater; he created a website called "The People's Bureau of Investigation" (SEE, thepbi.us); he posted online documents--such documents were not created by him, but by his deceased alleged codefendant; he created social media posts and social media channels to empower "We the People" who according to the Constitution are to have "all power," id est, the Constitution is a contract, and We the People are its beneficiaries.

Because all of the above behavior and activities are protected by the First Amendment, the Indictment and the Superseding Indictment, id est, the alleged charge which includes aiding and abetting threatening communications is REPUGNANT to the Constitution on its face; as well as to the Constitution of the Sovereign State of Illinois. Thus, VOID at the moment of inception. In the instant case, Mr. Dever was falsely arrested and sentenced under federal color of law. He is a political prisoner.

Because the alleged crime originated in the Sovereign State of Illinois, only the Sovereign State of Illinois had constitutional jurisdiction and standing to arrest, try and imprison Mr. Dever. If a N.C. "State" Court wanted him, they would have had to request Mr. Dever's extradition as prescribed in the Founding Documents. The N.C. "federal"

Court has no jurisdiction in the matter. According to the founding documents and the Federalist Papers the Federal courts were to be the appellate courts.

The charges, which include aiding and abetting, are flagrantly and blatantly repugnant to the First Amendment, rendering them VOID at the moment of inception because the so called threatening communications, the environmental court writs, the documents and discussions all of which Mr. Dever was performing his right to free speech were TWISTED by the federal government as threats, when such pertained in their entirety to Public Law No. 92-500 ("the Federal Water Pollution Control Act of 1972") commonly referred to as the Clean Water Act. An Act of Congress which the federal government never enforced.

1. The environmental writs--created by others, but posted by Mr. Dever on his website--were indeed requiring the compliance of the Clean Water Act. Such documents made mention that non-compliance could result in a future arrest, or even a citizens' arrest because these are strict liability crimes.

A. Unlike Mr. Dever's charges, the Clean Water Act was indeed an act of Congress. The law requires that the Nation's water treatment facilities update to the latest technology. Nevertheless, to this date, the Nation's water treatment facilities continue to use 1908 technology. Thus, their actions are contrary to law. The Clean Water Act also asks for the "PUBLIC PARTICIPATION IN ENFORCEMENT" of the law itself (SEE, EXHIBIT 1).

i. Thus, Mr. Dever was doing what the law plainly authorized him to do, id est, he was talking about such law and about how it was being ignored with other concerned citizens on the internet. Nevertheless, all of his recorded chat groups will reveal that he never called for the arrest of individuals or suggested a citizens' arrest.

ii. Thus, as EXHIBIT 1 shows, Mr. Dever was not only doing what the First Amendment allows him to do, he was also acting under what the Clean Water Act allowed him to do, id est, he being a member of the public was by the Act itself participating in the enforcement of any regulation. In fact, the Administrator of the Environmental Protection agency was by law required to ENCOURAGE and ASSIST him in the ENFORCEMENT OF the Clean Water Act for the National goal of having pollutant free tap water.

i. To the contrary, however, for doing what the law allowed him to do, Mr. Dever was the victim of a vindictive prosecution which deprived him of Due Process of law for merely talking about the Nation's tap water containing certain carcinogens; for posting Environmental Court documents; and for exposing a hidden and forgotten fifty year old law.

ii. To punish an individual for doing what the law allows him/her to do suggests that, apparently, in America, to

follow the law to the letter and to attempt to provide fellow Americans with clean tap water to drink, bathe and cook is now a crime punishable up to ten (10) years in federal prison.

B. When Mr. Dever moderated chats with Mr. Tom Murphy, the inventor of the WATER RECLAMATOR and founder of the Environmental Court and Environmental Marshalls, Mr. Dever regularly asked Mr. Murphy who "is going to enforce the environmental writs"--the documents for download on numerous websites--, Mr. Murphy's response was always "no one, the documents are the enforcement." The prosecuting tyrant perverted this into kidnaping charges.

- i. Mr. Murphy further claimed that President Nixon's Watergate scandal had two meanings, one of them being President Nixon's secret order--specifically made to BAR attorney's--to ignore the Clean Water Act. Thus, effectively putting a gate on clean water, creating Watergate.
- ii. Mr. Murphy explained the environmental courts had to be courts of, for and by the People, and that they could not be government courts because the government was the PRIMARY VIOLATOR of the federal Water Pollution Control Act.
- iii. Mr. Murphy often stated that the law, being un-enforced and hidden, created the biggest case of crimes against humanity in the history of the world. Thus, in keeping it hidden and forgotten lead to millions of people dying while greatly benefiting Big Pharma (chemotherapy), the God forsaken outlandish plastic and bottled water industries (reference to the Book "Bottle Mania"). He stated that Americans had been convinced that Almighty GOD's water, no different than the air we breath, can be bottled and sold at exorbitant prices, when the law requires exactly the opposite, id est, for clean--unpolluted--water to come perfectly safe to every American home.

C. Examples of what Mr. Dever did can also be found at what news media have been reporting for years. For example--

- i. USA TODAY, newspaper, front page, August 16-18, 2024:
"Military is main culprit for forever chemicals;"
- ii. NATIONAL GEOGRAPHIC, 2019 Vol. 235 No. 3:
"A wake up call on water quality. One forth of all Americans drink water from systems that DON'T MEET SAFETY LAWS." All of us together can change that;
- iii. THE WEEK, September 22, 2023 Vol. 23 issue 1149:
The foreever chemicals in your water. Toxic forever chemicals. Nearly half the Nation's tap water contains PFAS;
- iv. EPOCH TIMES, November 13-19, 2024 No. 538:
U.S. drinking water woes.

D. What difference is there between the above excerpts from journalistic work from that of Mr. Dever?

Mr. Dever's group chats--featuring Mr. Murphy among others--are now vox populi. The above news articles

are just a different source saying the same thing Mr. Dever was talking about on the internet.

- i. The Court should subpoena Mr. Dever's recorded Telegram chats (the channel: "the People's Bureau of Investigation") and moderator interviews with Mr. Murphy on YouTube "The People's Bureau of Investigation" page. There, the Court will listen to Mr. Murphy's claims regarding toxic tap water, the ignored Clean Water Act, and the fact that the People, per the Clean Water Act are required to enforce.

REASONS FOR GRANTING THE PETITION

a. WHETHER MR. DEVER'S ACTIONS AND BEHAVIOR WERE CONSISTENT WITH THE PRESCRIPTIONS OF THE FIRST AMENDMENT?

1. THE CHARGES AND STATUTES OF CONVICTION ARE REPUGNANT TO THE CONSTITUTION:

Because the activities and behavior (INCLUDING INTENT OF THE MIND) present in this case are constitutionally protected rights, any individual found in Mr. Dever's shoes is required--per the Constitution--to be arrested and tried in the State where the alleged crime took place and face an Article III trial by jury by the State Court in the State in which the alleged crime occurred. If found guilty in a trial by jury, such individual should be imprisoned in such State having jurisdiction over the alleged crime.

Thus, because in this case, the defendant is a citizen of the Sovereign State of Illinois, the grand jury sitting in the UNITED STATES WESTERN DISTRICT OF NORTH CAROLINA had no constitutional standing or jurisdiction to indict a citizen of the Sovereign State of Illinois. The same is true with the N.C. Court which lacked constitutional standing and jurisdiction to require a citizen of the Sovereign State of Illinois to appear before it; accept an unconstitutional plea agreement; and sentence him/her. In sum, as it will be shown infra, the federal government has violated the Tenth Amendment by usurping the sovereignty, powers and independence of a sovereign State.

- A. This Court has the constitutional and MORAL OBLIGATION to review this argument and MAKE SURE that what happened in this case may never ever occur again to any of "We the People."
- B. The Court MUST review the facts offered below in light of the Founding Documents referred to supra.

Here, the federal crime for threatening communications transmitted across State lines is found in 18 U.S.C.

875(c) which reads--

"Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another" ... "punishable by up to five years in prison."

Thus, the federal government must prove the communication was sent in interstate COMMERCE; the communication MUST contain a "true threat" not just hyperbolic or political speech; there must be sufficient MENS REA, meaning the defendant KNEW the threatening nature of the communication, not merely that a reasonable person might view it as threatening. This statute does not require disclaimers.

This Court held that a criminal conviction under Section 875(c) cannot rest solely on an objective "reasonable person" standard. SEE, *Elonis v. U.S.*, 575 U.S. 723 (2015). Thus, this Court's reasoning provides that there must be some level of mens rea--knowledge of the threatening nature of the communication--before someone can be convicted. Thus, as is the case here, if the conviction was based solely on what a reasonable person might think is a threat, without proof the individual knew it was threatening, that is a constitutional error under the *Elonis* test.

A. This Court's precedent treats true threats as speech not protected by the First Amendment only when properly proved. A conviction that fails to make that proof may violate Due Process rights and First Amendment Protections.

2. FIRST AMENDMENT AND 'TRUE THREATS' DOCTRINE:

The First Amendment does not protect statements that qualify as true threats--serious expressions of an INTENT to commit violence--because they fall outside protected speech. However: imprecise, figurative, political or hyperbolic language is not a true threat. This Court has recognized that the federal government CANNOT punish speech unless it rises to the level of an actual threat. This idea was first articulated in *Watts v. U.S.* (1969) and reaffirmed in *Elonis*.

A. The Court must keep into account that this case involves NONVIOLENT political speech.

3. DUE PROCESS AND VAGUENESS:

Additionally, the Court must also account that a law is unconstitutional if it is too vague, id est, if ordinary people cannot understand what behavior is prohibited. If the elements of the offense (e.g., what counts as a threat) weren't adequately defined and the jury wasn't properly instructed on intent, that can be a constitutional basis for appeal.

A. AIDING AND ABETTING:

Federal law requires that the underlying offense actually be committed for aiding and abetting to apply and achieve a conviction. If the threat element ISN'T SUFFICIENTLY proved, then aiding and abetting also fails as a matter of law.

i. If the federal government convicts an individual merely on a reasonable person finding a statement threatening, this is reversible error. *Elonis* may be ancillary in this case.

ii. The federal government must prove that the accused knew his/her acts would be viewed as threats.

The lack of the REQUIRED mens rea cannot serve to achieve a conviction. furthermore, mere negligence DOES NOT satisfy constitutional mens rea requirements.

- iii. However, and most important here, the First Amendment protects an individuals' freedom of speech. If an individual--like Mr. Dever-- speaks into a microphone as he performs PUBLIC journalistic behavior in a podcast, listening to other individuals and commenting about how the federal government has violated the law in failing to enforce the Clean Water Act, Pub.L.No. 92-500 ("the Federal Water Pollution Control Act" of 1972), and posting on his website documents created by other individuals who shared the same concern in a peaceful manner, such posted information and chats conform political speech or commentary that does not rise to a true threat--a threshold requirement under the First Amendment.
- iv. If the statute or Indictment DID NOT clearly define the threat element or intent, that violates Due Process and may warrant dismissal.

4. SUPREME COURT PRECEDENT RELEVANT TO ONLINE SPEECH, TRUE THREATS AND MENS REA:

A. TRUE THREATS AND REQUIRED MENTAL STATE.

This Court held in *Elonis v. U.S.*, 575 U.S. 723 (2015), the controlling case for 18 U.S.C. 875(c), that a conviction for threatening interstate communications cannot be based solely on how a "reasonable person" would interpret speech. The government must prove SUBJECTIVE mens rea that the defendant INTENDED the communication as a threat or KNEW it would be understood as such. Negligence is constitutionally INSUFFICIENT.

- i. Relevant here, online and social-media speech is contextual and ambiguous; criminal liability requires INTENT.
- ii. In *Counterman v. Colorado*, 600 U.S. 66 (2023); this Court clarified the true-threat doctrine. It held that the First Amendment requires at least recklessness regarding whether speech will be perceived as threatening. Punishment based on negligence, i.e., how others might interpret speech is unconstitutional. Thus, this reinforces the claim that criminal punishment cannot rest on audience reaction alone. The record in this case demonstrates that the government relied on audience reaction rather than proof of the defendant's mental state. Such reliance improperly shifts the burden from the government to the speaker and contravenes First Amendment protections.
- iii. More compelling, here, the government failed to establish that the defendant possessed SUBSTANTIVE awareness that the speech constituted a threat. Absent PROOF of intent or knowledge, the conviction rests on an IMPERMISSIBLE objective standard and therefore violates Due process under *Elonis*.

B. POLITICAL HYPERBOLE AND CONTEXT:

This Court held in *Watts v. U.S.*, 394 U.S. 705 (1969) that political speech often includes exaggeration, rhetoric, and emotional language, which does not constitute a true threat when viewed in context. This is significant because

it provides for the protection of political frustration and rhetorical speech from criminalization.

- i. In *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982), this Court held that strong, hostile, or emotionally charged speech is protected unless it directly incites imminent violence.
- ii. Thus, the speech at issue falls within protected political expression, not "true threats," because the speech at issue, *id est*, political commentary and criticism of federal government conduct falls squarely within this protected category and does not rise to the narrow class of unprotected true threats.

C. INCITEMENT AND UNPOPULAR SPEECH:

In *Brandenburg v. Ohio*, 395 U.S. 444 (1969), this Court held that speech may be punished only if it is intended and likely to produce imminent lawless action. This is significant because exposure to extreme or misleading ideas does not remove First Amendment protections.

- i. In *Terminiello v. Chicago*, 337 U.S. 1 (1949), this Court held that speech is protected even if it provokes anger, unrest, or emotional disturbance. This is significant because the government may not criminalize speech based on public reaction.

D. DUE PROCESS AND VAGUENESS:

In *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972), this Court held that the laws are unconstitutional if they fail to give ordinary people clear notice of what conduct is prohibited and avoid arbitrary enforcement. This is relevant because the ambiguous threat standards violate Due Process

- i. In *Grayned v. City of Rockford*, 408 U.S. 104 (1972), this Court held that a law is void for vagueness if it invites arbitrary or discriminatory enforcement. This is significant because threat statutes must be narrowly and clearly applied.
- ii. In the context of modern online discourse where political speech is amplified, informal, and often hyperbolic failure to clearly distinguish protected rhetoric from criminal threats creates unconstitutional vagueness. Here, the defendant lacked fair notice that the speech at issue crossed into criminal territory.

E. INTENT TO INTIMIDATE:

In *Virginia v. Black*, 538 U.S. 343 (2003), this Court held that true threats may be punished only where there is intent to intimidate. This is significant because intent is the constitutional dividing line between protected and punishable threats.

- i. This Court made it clear that true threats require intent to intimidate. The absence of an identifiable victim, actual fear, or concrete harm undermines any finding that the defendant intended to place another

in fear of bodily injury.

- ii. Thus, where the evidence shows no specific target and no intent to intimidate, criminal punishment exceeds constitutional limits.

F. ONLINE SPEECH PROTECTION:

In *Reno v. ACLU*, 521 U.S. 844 (1997), this Court held that the internet receives full First Amendment protection. This is significant because the government must exercise extreme caution when regulating online speech, as held by this Court, the internet receives the HIGHEST level of First Amendment protection. Courts, thus, must therefore exercise heightened caution when applying criminal statutes to online expression.

- i. Criminalizing ambiguous political speech in online forums WITHOUT PROOF of intent threatens to chill lawful expression and violates settled First Amendment doctrine.

G. IDEAS, INFLUENCE AND MISINFORMATION:

In *Stanley v. Georgia*, 394 U.S. 557 (1969), this Court held that individuals cannot be punished merely for what ideas they consume. This is significant because the exposure to misinformation or propaganda does not establish criminal intent.

- i. In *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002), this Court held that the government may not criminalize speech based on SPECULATIVE or feared harm. This is significant because it prevents fear based prosecution of speech.

H. AIDING AND ABETTING LIABILITY CANNOT STAND ABSENT A PROVEN UNDERLYING OFFENSE:

Finally, aiding and abetting is not an independent crime; it REQUIRES proof that the underlying offense was committed. Because the government failed to establish a true threat under Section 875(c) including the required mens rea, any aiding and abetting conviction necessarily fails as a matter of law.

CONCLUSION TO QUESTION ONE'S ARGUMENT FOR REVIEW

The nature of our Federal Union and our constitutional concepts of personal liberty unite to require that all citizens of the Union be free to express their views and ideas whether face to face, by radio, mail, e-mail, online, or whatever form of communication their might be. This constitutes "Freedom of Speech" which is protected by the First Amendment, a right uninhibited by statute, rules, or regulations which unreasonably burden or restrict "freedom of speech."

As stated by Chief Justice Taney in *Passenger Cases*, 7 How 283, 492, 12 L.Ed.702 (1849) (SEE ALSO EXHIBIT 2)

"For all the great purposes for which the federal government was formed, we are one People, with one common country. We are all citizens of the United States; and as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own States."

Statutes of the federal government imposing limitations to "freedom of speech" are to be declared to be contrary to the Constitution, and therefore null and void.

Under the Federal Water Pollution Control Act's public enforcement clause, Mr. Dever is entitled to a STRICT LIABILITY TEST. He only did what the law allows him to do under the First Amendment and 33 U.S.C. 1251 (SEE EXHIBIT 3). For so doing, he was punished to serve 10-years in federal prison. This punishment is unconstitutional and demands the sentence and conviction to be vacated and expunged.

The procedural safeguards found in the Constitution and in the Bill of Rights stand as a constitutional barrier against thus obtaining a conviction in the circumstances present in this case. SEE Chambers v. Florida, 309 U.S. 227, at 235-238.

These constitutional provisions contemplate that a jury must determine guilt or innocence in a public trial in which the defendant is confronted with the witnesses against him/her and in which he/she enjoys the assistance of an unbiased counsel--one who is willing to protect and defend the Constitution and the liberty interests of a citizen of the United States; and where guilt is in issue, a verdict against a defendant must be preceded by the introduction of some evidence which tends to prove the elements of the crime charged. Compliance with these constitutional provisions, which of course constitute the supreme LAW OF THE LAND, is essential to Due Process of law, and a conviction obtained without their observance cannot be sustained. SEE, Chambers, 309 U.S. at 473 (Chief Justice Black and Justice Douglas concur)

It is unnecessary to consider whether 18 U.S.C. 875(c), which puts Mr. Dever against whom no evidence of guilt has been offered in a procedural situation from which he can escape conviction only by testifying, compels him to give evidence against himself in violation of the Fifth Amendment.

b. WHETHER THE FEDERAL GOVERNMENT USURPED THE STATES' SOVEREIGNTY, INDEPENDENCE, POWERS AND JURISDICTION IN DETRIMENT TO THE TENTH AMENDMENT TO THE CONSTITUTION?

The Tenth Amendment to the Constitution was created to EXPLICITLY LIMIT the federal government to its ENUMERATED limited powers and RESERVE all other authority to the States or the People. Created on December 15th, AD1791, as part of the Bill of Rights, its purpose was to allay Anti Federalist fears that a STRONG central government MIGHT overreach. The underlying reasons and concerns were--

1. Fear of Federal Overreach: Anti-Federalists worried that the Constitution did not sufficiently restrict the new National government, potentially allowing it to trample on State authority and individual rights;
2. Balancing Power: Mr. James Madison crafted the Amendment to balance National security needs with the desire for localized control, ensuring the federal system protected State sovereignty;

3. Rule of Construction: The amendment was a direct response raised during the 1787 Constitutional Convention;
4. Predecessor in Articles of Confederation: It stems from a similar clause proposed by Mr. Thomas Burke in the Articles of Confederation to eliminate ambiguity regarding State vs. federal power.

In short, the tenth Amendment reinforces that the United States is a government of limited, delegated powers. Thus, this Court should review this question in like to the above standard. However, the Court must also include the history behind the tenth Amendment and consider all the founding documents as binding.

Thus, based solely on The Federalist papers, it will be proven without a shadow of doubt that today, we are living in a backwards (false) reality. Next, the Founding Fathers themselves will remind this Court about their vision for the Union.

FEDERALIST PAPER NO. 82
THE JUDICIARY CONTINUED

At paragraph 9, COMES NOW, Mr. Alexander Hamilton who prays as follows--

"I perceive at present no impediment to the establishment of an appeal from the State courts to the subordinate national tribunals."

Mr. Hamilton makes two (2) things clear: 1. "national tribunals" (federal courts) are to be appellate courts; and 2. "national tribunals" (federal courts) are subordinate, id est, lower in rank, to State courts.

FEDERALIST PAPER NO. 45
THE ALLEGED DANGER FROM THE POWERS OF THE UNION TO THE STATE GOVERNMENT

COMES NOW, Mr. James Madison who states as follows--

The POWERS DELEGATED by the proposed Constitution to the federal government, are FEW and DEFINED. Those which ARE TO RETAIN in the States governments are NUMEROUS and INDEFINITE. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which LAST the power of taxation will, for the most part, be connected. The POWERS RESERVED to the several States will extend to ALL the objects which, in the ORDINARY course of affairs, concern the lives, liberties, and properties of the People, and the INTERNAL ORDER, improvement, and prosperity of the State."

The word external preceding "war, peace, negotiation, and foreign commerce and taxation" indicates only foreign delegated powers and the Founders' intent. WEBSTER'S II DICTIONARY defines EXTERNAL as "relating to foreign affairs or countries." Mr. Madison made it clear that "the POWERS DELEGATED by the proposed Constitution to the federal government ARE FEW and DEFINED." There are four (4) in total (another one includes taxation) and are limited and related to foreign affairs. None of which is to arrest a citizen of the Sovereign States.

Mr. Madison makes it abundantly clear that powers reserved to the several States will extend to ALL the objects which, in the ORDINARY course of affairs, concerns the lives, liberties, and properties of the People, and the INTERNAL ORDER improvement and property of the States. The powers DELEGATED to the federal government are

FEW and DEFINED said Mr. Madison. At no point WERE REQUIRED amendments made to the Constitution or the Articles of Confederation to increase the powers of the federal government. as to become NUMEROUS and INDEFINITE.

The Founding Fathers once great Nation and their divinely inspired Founding Documents and State power has been entirely usurped. The title of Federalist paper No. 45 is overt. The alleged danger, from the power of the federal government to State governments has been proved. The former United States of America (the Union), united in State independence and sovereignty is now the FEDERALIZED STATES OF AMERICA. Mr. Madison's words are plain and clear, id est, the federal government is endowed with up to four powers, and four powers alone (these include "war, peace, negotiations and foreign commerce" as well as "taxation"). Thus, no further powers. Any further powers beyond what is specifically enumerated in the Constitution is unconstitutional.

ARTICLES OF CONFEDERATION

Article II clearly states--

"Each State RETAINS its sovereignty, freedom, and independence, and EVERY POWER, jurisdiction, and right WHICH IS NOT by this Confederation EXPRESSLY DELEGATED to the United States, in Congress assembled."

At no point in Article II or any other point in the Articles of Confederation is there an allowance or mention for the federal government to usurp the States sovereignty, freedom, independence, every power, jurisdiction and right. For the federal government to usurp such powers from the States goes contrary to the explicit wording contained in Article II.

Some might attempt to argue that the words expressly delegated to the United States, in Congress assembled, are ambiguous. If the federal government were to increase its jurisdiction while, in this instance, the State of Illinois were to relinquish its jurisdiction, sovereign powers and independence, such serious matter would necessarily require an amendment to the Constitution. This has not happened. Something of this magnitude which contravenes State sovereignty requires specificity.

Indeed Article XIII is explicitly states that an "alteration" to the Articles of Confederation are required in order for a State to relinquish power, sovereignty and jurisdiction. The Article reads--

"Every State SHALL abide by the determination of the United States in Congress ASSEMBLED, on all questions which by the Confederation are submitted to them. And the Articles of this Confederation SHALL be INVOLABLY OBSERVED by every State and the Union shall be perpetual; NOR SHALL ANY ALTERATION AT ANY TIME HEREAFTER BE MADE IN ANY OF THEM; unless such alteration BE AGREED TO in a Congress of the United States, and be afterwards CONFIRMED by the legislatures of EVERY State."

Article XIII makes the requirement for ratification clear in the final paragraph, it states

"And whereas it hath pleased the Great Governor of the World to incline the hearts of legislators we

respectfully represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union. Know ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these present, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said Confederation are submitted to them. And that the Articles thereof shall be inviolably observed by the States we respectfully represent, and that the Union shall be perpetual.

The INVIOABLE PERPETUAL Articles of Confederation clearly prescribe that if a citizen of a sovereign State commits a crime, the State where the alleged crime took place is the only one with jurisdiction to arrest, prosecute, try and sentence such citizen.

Article IV contains further unquestionable detail, it reads--

"If any felon shall flee from justice, and be found in any of the United States, he SHALL, UPON DEMAND of the governor or executive power OF THE STATE from which he fled, be delivered up and removed to the State HAVING JURISDICTION OF HIS OFFENSE."

This Article once more fortifies the obvious fact that the States are the ones having jurisdiction over all matters. The Founding Fathers' INTENT is--and has always been--for the United States to be united, but RETAINING their sovereignty and independence. If a citizen from a certain State commits a crime, i.e., in the State of North Carolina, the governor or executive power for the State of North Carolina is required to demand such citizen to be delivered to the State of North Carolina to be tried in a North Carolina state court. The arrest, thus, would be made by the state police from the State where the citizen be found. Even the Constitution supports this scenario. The Constitution at Article III, Section 2, in its final paragraph reads --

"The Trial of ALL Crimes except in Cases of Impeachment SHALL be by jury; and such Trial SHALL BE HELD IN THE STATE WHERE SAID CRIMES SHALL HAVE BEEN COMMITTED; but when not committed within any State, the Trial SHALL be at such Place or Places as the Congress may by Law have directed."

If a trial for a citizen's alleged crimes where to occur per said Constitution, the State would be required to make the arrest. Therefore, the trial would be a State trial by jury in and by the State court in the State having jurisdiction over the alleged crime.

Article IV of the Constitution, Section 2 states--

"The Citizens of each State SHALL be entitled to ALL Privileges and Immunities of Citizens in the several States. A Person charged in any State with treason, felony, or other Crime, who shall flee from Justice, and be found in another States, SHALL ON DEMAND of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime."

It is clear that per the Founding Fathers' INTENT, ALL crimes are State crimes committed within the borders of a sovereign State. Thus each crime should be treated as such. As previously quoted, the Tenth Amendment states that "[t]he powers NOT DELEGATED to the United States by the Constitution, NOR PROHIBITED by it to the States,

are RESERVED to the States RESPECTIVELY, or to the People." At no point, does the Constitution delegate the States jurisdiction, power, or sovereignty to the federal government or any of its federal agencies. To the contrary, the Constitution and the Articles of Confederation CONFIRM and SUPPORT one another and PROVE that the States have SOLE constitutional standing and jurisdiction to bring forth charges, arrest, detain, try, sentence and imprison a State citizen.

FEDERALIST PAPERS NO. 78
THE JUDICIARY DEPARTMENT

COMES NOW, Mr. Alexander Hamilton, at paragraph 10, who states as follows--

"There is no position which depends on clearer principles, than that every act of delegated authority, contrary to the tenor of the commission under which it is exercised, IS VOID. No legislative act therefore, contrary to the Constitution can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above the master; that the representative of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid."

Per the Founding Fathers' INTENT, a United States makes the States "the Master." Thus, had an Illinois citizen committed a crime, the Illinois State police would clearly be the only entity having constitutional standing and jurisdiction to place such citizen under arrest. Thus, in this case, any federal charges, any federal police, any UNITED STATES DISTRICT COURT, and even the Federal Bureau of Prisons indeed will be usurping the sovereignty and powers of any State in all ways possible. In Mr. Hamilton's own words, the acts of all of the above federal entities themselves are "VOID." No legislative act therefore, contrary to the Constitution can be valid.

The omission or REQUIRED amendments to the Constitution to allow for the existence of such entities which requires congressional approval makes them even more intolerable hence VOID and INVALID.

FEDERALIST PAPERS NO. 46
THE INFLUENCE OF THE STATE AND FEDERAL GOVERNMENTS COMPARED

COMES NOW, Mr. James Madison, at 1st paragraph, last two sentences, who states as follows--

"They must be told that the ultimate authority, whenever the derivative may be found, resides in the People alone, and that it will not depend merely on the comparative ambition or address of the different governments, whether either, or which of them, will be able to enlarge its sphere of jurisdiction at the expense of the other. Truth, no less than decency, requires that the event in every case should be supposed to depend on the SENTIMENTS and SANCTIONS of their common constituents."

ARTICLES OF CONFEDERATION
ARTICLE III

"The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to or attacks made upon them, or any of them, on account of religion, SOVEREIGNTY, trade, or any other pretense whatever."

Taking into consideration everything discussed thus far, the arrest of one of "We the People" in the Sovereign State of Illinois is an attack on the People of Illinois and an attack on the Sovereign State of Illinois, its liberties, SOVEREIGNTY, and general welfare. This is not hyperbole, it is fact. A fact based upon a clear and explicit wording contained within the divinely created Founding Documents. Thus, the armed federalized force (a/k/a the FBI) had no constitutional standing or jurisdiction to arrest a citizen of Illinois on Illinois soil. There is nothing within any of the Founding Documents or the supporting Federalist papers indicating or allowing otherwise. In fact, the final paragraph in the Declaration of Independence fortifies yet again, that the Free and Independent States have full power to do all other Acts and Things such as arrest its citizens. Is the federal government threatening to withhold funding the States? Are the States subcorporations of the UNITED STATES CORPORATION?

"We, therefore, the Representative of the United States of America, in General Congress, assembled, appealing to the Supreme Judge of the world for rectitude of our intentions, do, in the Name and by the Authority of the good People of these Colonies are, and of Right ought to be **FREE AND INDEPENDENT STATES**: that they are absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is ought to be totally dissolved; and that as Free and Independent States, they have full power to levy War, conclude peace, contract Alliances, establish Commerce **AND TO DO ALL OTHER ACTS AND THINGS WHICH INDEPENDENT STATES, MAY OF RIGHT DO**. And for support of this Declaration, with a firm reliance on the Protection of Divine Providence, We mutually pledge to each other our Lives, our Fortunes and Sacred Honor."

The Founders pledged their lives, Fortunes and sacred Honor on each State being independent, which is defined as, politically autonomous, self-governing, **FREE FROM THE INFLUENCES, GUIDANCE, OR CONTROL OF OTHERS**: self-reliant with full power.

1. Does the federal government threaten to withhold funding in lieu of enlarged jurisdiction without "sentiment and sanctions of their common constituents?"
2. Are States being held hostage by the federal government

Sovereignty has been usurped generations ago by way of name hijacking. Is the Republic of Illinois now only an idea that by way of lawyers is now a subcorporation of the United States of America Inc., known as THE STATE OF ILLINOIS, Inc. Those answers are made clear in the attached Appendix.

1. Are we to continue to kick the can at the expense of our children and future generations?

Thus, this Court, created by a Judiciary Act of 1789, has the duty to review if statutes or convictions are valid or not, particularly when as here, such violate the Constitution and every Founding Document. This Court was created to treat the Constitution as controlling law. Thus, the Constitution is to be treated as a legal text, not a philosophical document. Accordingly, here, this Court should follow its own foot steps when it has said **that--**

"Words must be given their ordinary everyday meaning," unless the lawmaking body has provided a specific definition, or "the context indicates they bear a technical sense." See, Antonin Scalia & Brian A. Gardner, Reading Law: The Interpretation of Legal Texts, at 69 (2012)). Thus, "if possible, every word and every provision is to be given effect. ...None should be ignored." id. at 174.

Thus, abobe premises considered, this Court has the duty to review this case and conduct a textual analysis (what the words say), structure (how powers are divided), in tandem with State constitutional practice and treat the Federalist Papers as persuasive. Here, the Court may consider as ANCILLIARY two of this Court's cases, id est, Marbury v. Madison, (US) 1 Cranch 137, 2 L.Ed. 60, and Fletcher v. Peck, (US) 6 Cranch 87, 3 L.Ed. 162 which provide guidance as to resolve the constitutional violations addressed herein

FEDERALIST PAPER NO. 40
ON THE POWERS OF THE CONVENTION TO FORM A MIXED GOVERNMENT
EXAMINED AND SUSTAINED

COMES NOW, James Madison, at paragraph 10, final two sentences, who prays as follows--

"Do these Principles, in fine, require that the powers of the general government should be limited, and that, beyond this limit, the States should be left in possession of their sovereignty and independence? We have seen that in the new government as in the old, the general powers are limited; and that the States in all enumerated cases, are left in the enjoyment of their sovereign and independent jurisdiction."

Mr. Madison's words were once again clear and concise. He capitalized the word "States" twice for emphasis, and used the word "all" which means every. Mr. Madison's words apply to this case, including but not limited to Mr. Dever's arrest.

1. Based on Mr. Madison's words, in order for the arrest in this case to be constitutional, the State of Illinois was required to arrest the defendant, as "the States in ALL enumerated cases, are left in the enjoyment of their sovereign and independent jurisdiction."
2. It is abundantly clear that Mr. Dever was to be arrested by the Illinois State Police and appear before the State of Illinois Court.

Mr. Madison goes on saying that--

"The truth is, that the great principles of the Constitution proposed by the convention may be considered less as absolutely new, than as an expansion of Principles which are found in the Articles of Confederation."

3. The inviolable Declaration of Independence, the Constitution, Articles of Confederation and the Bill of Rights support one another time and time again regarding perpetual independence, State Sovereignty and Jurisdiction in all regards.

FEDERALIST PAPER NO. 78
THE JUDICIARY DEPARTMENT

COMES NOW, Alexander Hamilton, at Paragraph 11, third sentence to the end of the paragraph, who prays as follows--

"The interpretation of the laws is the proper and peculiar province of the courts. A Constitution is in fact and must be regarded by the judges, as fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words the Constitution ought to be preferred to the statute, the intention to the People to the intention of their agents."

At Paragraph 12, Mr. Hamilton continues to say that--

"Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the Power of the People is superior to both; and that where the will of the legislature, declared in its statutes, stand in opposition to that of the People, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by fundamental laws, rather than by those which are not fundamental."

Then at Paragraph 14, Mr. Hamilton further states that--

"But in regard to the interfering acts of a superior and subordinate authority, of an original and derivative power, the nature and reason of the thing indicate the converse of that rule as proper to be followed. They teach us that the prior act of a superior ought to be preferred to the subsequent act of the inferior and subordinate authority; and that accordingly, whenever a particular statute contravenes the Constitution, it will be the DUTY of the judicial tribunals to adhere to the latter and disregard the former."

A duty is an obligation, a requirement, a job to do, an assignment to be done. As such, the unconstitutional charges present in the instant case ARE required to be disregarded as they are inferior to the superior protections prescribed in the First Amendment.

In addition, based solely on the Founding Fathers' Documents, the defendant in this instance was processed in a court which has no constitutional standing nor jurisdiction to require him to appear before it.

Based on Mr. Hamilton's own words--

"The judges are bound by DUTY. A Constitution is in fact and must be regarded by judges as fundamental law. The Constitution ought to be preferred to the statute. Judges are to be governed by the Constitution as it is fundamental."

Thus, based on Mr. Hamilton's words, this Court has now a DUTY and is required to VACATE the inferior statute of conviction for it is repugnant to the Constitution because as Mr. Hamilton states in Paragraph 14, the activity relevant to this case "IS" protected by the First Amendment.

"The prior act of the superior ought to be preferred to the subsequent act of an inferior and subordinate authority."

FEDERALIST PAPER NO. 81
THE JUDICIARY CONTINUED, AND THE DISTRIBUTION OF JUDICIAL AUTHORITY

COMES NOW, Alexander Hamilton, at ¶14, who prays as follows--

"In the first place, there is not a syllable in the plan under consideration which directly empowers the national courts to (construe) the laws according to the Spirit of the Constitution, or which gives them any greater latitude in this respect than may be claimed by the courts of every State. I admit however, that the Constitution ought to be the standard of construction for laws, and that whenever there is an evident opposition, the laws ought to give place to the Constitution."

Mr. Hamilton tells us that the laws, themselves, the creation of the laws must adhere to the Constitution and "whenever there is an evident opposition" the laws ought to give place to the Constitution as it reigns superior to said laws.

One could argue that aiding and abetting and conspiracy are entirely repugnant to the Constitution in all regards. Certainly, merely speaking and recording peaceful discussions; creating social media posts and a website of, for and by the People falls under the protections of the First Amendment.

1. The defendant, here, spoke into a microphone in the exercise of his right of

freedom of speech;

2. He peacefully assembled an advocacy group; created websites and social media posts. These are today's press and petitions for redress of grievances.

A. Any citizen from the Union "IS" without question entitled to the protections of the First Amendment. Depriving them of their protections is absolutely deemed despotism by Mr. Hamilton and the other Founding Fathers.

FEDERALIST PAPER NO. 80
THE POWERS OF THE JUDICIARY

COMES NOW, Alexander Hamilton, at ¶11, who prays as follows--

"To judge with accuracy of the proper extent of the federal judicature, it will be necessary to consider, in the first place, what are its proper objects. It seems scarcely to admit controversy, that the judiciary authority of the Union ought to extend to these several descriptions of cases: 1st, to all those which arise out of the laws of the United States passed in pursuance of their JUST AND CONSTITUTIONAL POWERS of legislation."

Furthermore, the Founding Fathers state time and again that the States are sovereign, all powerful, retaining jurisdiction. More importantly, Mr. Hamilton states all those which arise out of the laws of the United States passed in pursuance of their just and constitutional powers of legislature.

Thousands of federal statutes have unjustly usurped the entire United States Constitution making every member of "We the People" a felon unbeknownst to them, thus allowing for selective vindictive arrest and prosecution of whomever one may choose to arrest over their political leanings and even geneology.

1. The frightening aspect is, that every four to eight years, the weapon that is the armed federalist patrol ("the FBI") which Mr. Hamilton deemed intolerable in a free country changes hands with every change of government.
2. ¶11 affirms something is currently terribly wrong--

"Having thus laid down and discussed the principles which ought to regulate the Constitution of the federal judiciary, we will proceed to test, by these principles, the particular powers of which, according to the plan of the convention, it is to be composed. It is to comprehend "all cases in law and equity arising under the Constitution, the laws of the United States and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies between two or more States; between citizens of another State; between citizens of different States; between citizens of the same State claiming lands and grants or

different States; and between a State or the citizens thereof **and foreign States, citizens and subjects** "this constitutes the entire mass of the judicial authority of the Union."

Mr. Hamilton said that the above constitutes the entire mass of the controversies.

1. The laws under the United States were to be just, conforming to moral righteousness, always yielding to State independence and sovereignty. Mr. Hamilton laid out exactly what said laws are to pertain to and what powers the judiciary has over the aforementioned controversies. There is no mention in Mr. Hamilton's "principles," his "test" regarding the United States v. Timothy Dever, or against any citizen of any sovereign State. There is no confusion. His words, in fact, instruct us to comprehend all cases. A federal judge is to make determinations regarding laws and controversies that Mr. Hamilton composed.
2. In the case at bar, no crime against the United States was committed. There was no conflict to resolve with any State; there was no constitutional standing to appear before an admiralty or maritime jurisdiction.
 - A. By stating with specificity that "this constitutes the entire mass of the judiciary authority of the Union," Mr. Hamilton unequivocally proves that the United States has no constitutional standing in this matter.
 - B. In the matter of one of "We the People" on the land, speaking mere words about toxic carcinogens in the tapwater, the ignored 50-year old Pub.L. No. 92-500 (concerns about a law being ignored causing countless to die is not a crime, but a cause, a just cause).
 - i. Here, Mr. Dever acted as a whistleblower, but ended up being a political prisoner for trying to stop the impoverished and the incarcerated from drinking chemical laden tapwater. At this time, he is forced to drink water containing 15 chemicals, including but not limited to Radium. See, ewg.org/tapwater (enter zip code).
3. The UNITED STATES OF AMERICA cannot be a plaintiff. THE UNITED STATES OF AMERICA is a land mass, or a corporation at best; a piece of paper in a file drawer. Under common law, which every citizen in the Union is to experience, there must be an

injured party, certainly not the UNITED STATES OF AMERICA Corp.

A. Mr. Dever was attempting to stop people from being harmed. He harmed no one.

There is no injured party other than Mr. Dever, his wife and entire family and friends.

Mr. Hamilton finishes Federalist Paper No. 80 stating that--

"The possibility of particular mischiefs can never be viewed, by a well informed mind, as a solid objection to a general principle, which is calculated to avoid general mischiefs and to obtain general advantages."

- i. Mr. Dever objects to the gross number of general mischiefs that circumvented Mr. Hamilton's Principles, obtained gross advantages and led to an arrest under color of law of a sovereign man on the land in a sovereign State having jurisdiction by an armed federal patrol that was created without an Act of Congress (Article III), the judicial mass of the Union has been unconstitutionally expanded to utilize the FBI to usurp State sovereignty in all ways.

FEDERALIST PAPER NO. 81

THE JUDICIARY CONTINUED, AND THE DISTRIBUTION OF THE JUDICIAL AUTHORITY

COMES NOW, Alexander Hamilton, at ¶4, sentence 2 stating as follows--

"I admit however, that the Constitution ought to be the standard of construction for laws, and that wherever there is an evident opposition, the laws ought to give place to the Constitution."

1. The right to freedom of speech present in the instant case broke no constitutional laws. Aiding and abetting by way of speech is repugnant to the First Amendment making the charges and conviction VOID at the moment of inception.

FEDERALIST PAPER NO. 82

THE JUDICIARY CONTINUED

COMES NOW, Alexander Hamilton, at ¶3, who prays as follows--

"The Principles established in a former paper (1) teach us that States will retain ALL pre-existing authorities which may not be exclusively delegated to the federal head; and that this exclusive(which is reserved) delegation can only exist in one of three cases: where an exclusive authority is, in express(which is known)terms, granted to the Union; or where a particular authority is granted to the Union, and the exercise of a like authority is prohibited to the States; or where an authority is granted to the Union, with which a similar authority in the States would be utterly incompatible. Though these Principles may not apply with the same force to the judiciary as to the legislative power, yet I am inclined to think that they are, in

the main, just with respect to the former, as well as the latter. And under this impression, I shall lay it down as a Rule, THAT THE STATE COURTS WILL RETAIN THE JURISDICTION THEY NOW HAVE, unless it appears to be taken away in one of the enumerated modes."

Mr. Hamilton further states that--

"But I hold that the State courts WILL BE DIVESTED OF NO PART OF THEIR PRIMITIVE (which is original) JURISDICTION further than may relate to an appeal."

2. Mr. Hamilton laid down a RULE providing "that the State courts will retain the jurisdiction they now have;" "that the States" in fact retain jurisdiction in all crimes and cases, in law and equity.
3. He further held (asserted and affirmed) that someone in Mr. Dever's shoes --had he/she committed a crime--would need to appear in a State court. Only, if there was an appeal, then a federal district court would be involved.
 - A. In the instant case, the defendant appeared before two courts which had no jurisdiction, that is, the UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, and the "N.C. Court."
 - i. According to Mr. Hamilton, none of these courts had jurisdiction to hear the case. See, Mr. Hamilton's Rule.
 - B. As far as Mr. Hamilton's 2nd Principle is concerned, he stated, with regards to subordinate courts that--

"The only outlines described for them are that they shall be 'inferior to the Supreme Court.' And that they shall not exceed the specified limits of the federal judiciary."

 - i. Those limits were previously specified in Federalist Paper No. 80;
 - ii. Mr. Hamilton laid down THE RULE specifying that the State courts retain jurisdiction. This principle is in agreement and compliance with every Founding Document. Thus, each State retains their sovereignty, freedom and independence as well as every power, jurisdiction, and right;
 - iii. Thus, each State is to be a Sovereign Nation in itself, united in independence and sovereignty; finally,
 - iv. The United States was not intended to be what it has become, id

est, the Federalized (POLICE) States of America which features numerous "intolerable" armed patrols which utilize technologies to abolish the constitutional Republic and its constitutional order our Founding Fathers established 250-years ago. The result, egregious, ungodly and repugnant courts, agencies and statutes replaced State sovereignty and independence, common law, common sense and common decency.

"The State tribunals may then be left with a more entire charge of federal causes; and appeals in most cases in which they may be deemed proper, instead of being carried to the Supreme Court, may be made to lie from State courts to district courts of the Union."

- A. Again, it is made clear that in this case, one of "We the People" was made to appear before—and was sentenced—by courts which had no jurisdiction. If a person standing in the defendant's shoes committed a crime, per Mr. Hamilton's own words (his Rule), such individual—in this case—was to be brought before a State of Illinois State Court. If such individual were not satisfied with the result of a State Common Law, Article III Court, he/she would then appeal to the subordinate federal district court if, "the State tribunals may then be left with more entire charge of federal causes," State sovereignty and jurisdiction certainly would not be abridged if the State were to actually take on "more entire charge of federal causes" as Mr. Hamilton stated. The State is to take additional causes, not less.

The Magna Carta is a good starting point. The Constitution owes much of its substance to British political philosophy grounded in the Magna Carta. In many ways, it is fundamental as it contains Notarius long standing precedents and fundamental maxims of law.

- a. Regarding fundamental maxims of law, the supremacy of "the law of the

land." To imprison a free man, "the requirement of lawful judgment of his peers or by the law of the land." "Not to refuse or delay, rights or justice."

b. Thus, the Magna Carta is fundamental to the Constitution which regarding a lawful judgment of ones peers states--

"39. No freeman shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send him, except by **LAWFUL JUDGMENT OF HIS PEERS OR BY THE LAW OF THE LAND.**"

"40. To no one will we sell, to no one will we refuse or delay, right or justice."

c. The Magna Carta reaffirms due process in numerals 39 and 40. It clearly states a freeman would receive a judgment of his peers or by the law of the land. The same was the clear intent of our Founding Fathers when they established this country.

1. The law of the land in the United States is the Constitution which states much of the same as the Magna Carta.

A. In this case, Mr. Dever did not experience even one of his rights protected by the Constitution, never mind maxims of law, long standing precedent in the Magna Carta.

d. Numeral 52 of the Magna Carta establishes an obligation for the Supreme Court as to provide a remedy providing relief and the vacature of the charges present in this case--

"If anyone has been disposed or removed by us, without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty barons of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, be disseised or removed, by our Father, King Henry or by our Brother, King Richard, and which we retain in our hand (or which as possessed by others, to whom we are bound to warrant them) we shall have respite until the usual term of crusades; excepting those things about which a plea has been raised, or an inquest made by our order, before our taking of the Cross; but as soon as we return from expedition, **WE WILL IMMEDIATELY GRANT FULL JUSTICE THEREIN.**"

- A. In the spirit of the foundational Magna Carta, as it pertains to the Supreme Court, this Court would be similarly situated as the aforementioned five and twenty barons to consider the gross injustices pointed out thus far. The duty of this Court, as was to the five and twenty barons is to "immediately grant full justice therein."

FEDERALIST PAPER NO. 83
THE JUDICIARY CONTINUED IN RELATION TO TRIAL BY JURY

In his lengthiest eleven page essay, Mr. Hamilton discusses "maxims and common sense." He explains in seven separate instances that a State trial by jury is required in all criminal cases. As previously shown in plain English throughout this appeal, Mr. Hamilton uses language such as--

"Hence say they, as the Constitution has established the trial by jury in criminal cases,"..."this discretion in regard to criminal causes, is abridged by the express injunction of trial by jury in ALL such cases."..."But making every deduction for these considerations, the trial by jury must still be a valuable check upon corruption."..."They have tended to show that the security of liberty is materially concerned only in the trial by jury in criminal cases. All of which led to Article III, Section 2 of the Constitution; "The Trial of all Crimes, except in Cases of Impeachment, shall be by jury; and such Trial shall be held"(once again) by a State court specifically, **IN THE STATE** where said crimes shall have been committed."

1. Nowhere in Article III and nowhere in the Constitution is there a mention of the abridgement of a trial by jury by replacing it with a constitutionally repugnant plea agreement. The Founders would consider it low-minded, contra bonos mores.
 - A. The elimination of a trial by jury that was to be a "valuable check upon corruption" to be replaced by a repugnant plea deal is corruption in itself!
 - B. If a plea deal enjoys constitutional standing, then there must be a **REQUIRED** amendment to the Constitution. Thus, because no such amendment exists, plea agreements are gross judiciary mischiefs to obtain advantages. These wicked advantages force 98% to admit guilt without the "RIGHT" to a trial,

The trial by jury is to be guaranteed under the contract known as the Constitution and "must still be a valuable check upon corruption." Yet, it was replaced by an unmitigated corrupt repugnant plea agreement. It is glaring at this point that the 432 pages of divinely inspired essays which formed our Nation and our Founding Documents have been used as a playbook to effectively do much of the exact opposite of its contents. (Revisit, EXHIBIT 2).

The maxim of law. The right to a trial by jury has been a long standing tradition dating back to the Magna Carta. These unconstitutional corrupt, repugnant plea agreements are allegedly needed because there are TOO MANY crimes to process. Over prosecution does not justify the blatant usurpation of inviolable rights which came from the Creator.

Justice Gorsuch himself has repeatedly said in media appearances and around his book, "Overruled," that Congress adds about two million words of statutory law per year, which he equates to several thousand pages of new federal statutes annually, commonly understood as roughly three to four thousand pages per year, while separately noting that federal agencies generate around seventy thousand pages of regulations per year; the "thousands of pages annually" figure is the substance of the claim he makes when criticizing legislative and regulatory over production. Over production making the entire population felons ready to be convicted while stripping numerous rights, including the right to a trial by jury is the definition of TYRANNY and absolute despotism our Founding Fathers declared independence from 250-years ago! It is the end of all men being equal and the end of unalienable rights such as Life, Liberty and the pursuit of Happiness. It is derivation of rights a despotism under color of law. Justice ended, tyranny began.

There is no confusion in the constitutional requirement and right that a trial by jury is to take place in a "State" court not a federal court. Article IV

in both the Articles of Confederation and the Constitution make a specific mention that "the governor or executive power" must demand that alleged criminal be delivered up and removed to the State HAVING JURISDICTION OF THE CRIME.

Article IV, in both of the Founding Documents proves that only the State court is the one having jurisdiction. Mr. Hamilton further proves that it is the State court the one having jurisdiction NOT federal courts which merely use a State's name.

FEDERALIST PAPER NO. 83
THE JUDICIARY CONTINUED IN RELATION TO TRIAL BY JURY

COMES NOW, Mr. Alexander Hamilton, at 121, who prays as follows--

"Now it is evident that though trial by jury, with various limitations is known in each State individually, yet in the United States, as such it is at this time altogether unknown, because the present federal government HAS NO JUDICIARY POWER WHATEVER;"

The Constitution Article III is clear, it states all crimes shall be tried in a trial by jury; and such trial shall be held in the State (a State court having jurisdiction) where the said crimes shall have been committed. The Tenth Amendment explicitly states all power is RESERVED to the States.

Article II of the Articles of Confederation read that each State retains their sovereignty and jurisdiction: the documents are contracts. The contracts are inviolable.

1. Under contract law, contracts are viewed in the beneficiaries light.

A. Here, Mr. Dever is the beneficiary. Thus, in his case, the inviolable rights in the inviolable contract were violated.

The Constitution's Article I, Section 8, pertaining to the glaring repugnancy of the charges of aiding and abetting threatening communications, states that Congress shall have the power, as it pertains to laws and rules, to provide punishment of counterfeiting, to define and punish piracies and felonies committed on high seas, and offenses against law of nations. to make RULES for

the government and regulations of the land and naval forces. Lastly, "to make all laws which shall be NECESSARY AND PROPER for carrying into Execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States, or in any department or Officer thereof."

1. Section 8 makes it abundantly clear that Congress had no power to create said law (statute) in the first place, as aiding and abetting threatening communications is a law that is NOT "necessary and proper" for carrying into execution the "foregoing powers" vested in the federal government by the Constitution.

A. Here, the erroneous charges of conspiracy to kidnap, when there is no evidence whatsoever of anything of this sort on the record below, and the aiding and abetting threatening communications are unconstitutional as they violate the Fifth, Sixth, and Fourteenth Amendments concerning Due Process, not to mention the First Amendment's protection to "freedom of speech."

SUMMARY

The federal government has usurped State independence and sovereignty using great imagination that entirely conflicts with the contents within the contracts known as our Founding Documents.

1. Any law or agency that usurps State independence, sovereignty, jurisdiction and power is unconstitutional, "to do all other Acts and things" is a constitutional repugnant legal fiction at best.
2. These repugnant usurpations include but are not limited to commanding jurisdiction by way of the "proper and necessary" clause, "commerce" clause, use of UCC Code, bringing alleged criminals into the water by way of federal courts, admiralty or maritime courts usurping State common law courts on the land, postal addresses, telephone and internet infrastructure, birth

certificates, social security numbers, drivers licenses, fraudulently making a living breathing man chattel, a piece of property, a corporation. These are creative and very imaginative indeed. None of these legal fictions conjured up in the minds of men (enemies of the Constitution) eliminate signed contracts, facts, our Founding Fathers words printed in black and white.

3. Crimes are committed on the land, in a State, and the State is to inviolably have/retain jurisdiction.
4. None of the aforementioned imagined repugnancies negate the superior inviolable contracts such as the Articles II, III, IV, XIII of the Articles of Confederation that clearly retain State sovereignty, freedom, independence, and every power, jurisdiction and right.
5. Moreover, none of the aforementioned, fabricated, erroneous usurpations, the jurisdictional encroachments, are enumerated in the Constitution. In many instances, Clause 18 of Article I, Section 8 of the Constitution is referenced as allowing the federal government free reign to create whatever law it chooses, repugnant or otherwise. Clause 18 reads--

"To make all Laws which **SHALL** be necessary and proper for carrying into Execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States or in any department or Officer thereof."

Foregoing powers are relinquished, abandoned, set aside powers, vested powers are settled, complete, absolute powers.

- A. The word **SHALL** is a directive, a command; necessary is something absolutely required; proper is something being appropriate, suitable, within precise limitations of term, rigorously correct.
6. The 18th Clause is the opposite of free reign if one just reads the words. Words have meaning. The entirety of Article I enumerates the foregoing,

relinquished, abandoned, the set aside powers in specific detail. The final clause gives Congress the power to make All Laws which shall be, a directive, a command to what is necessary, absolutely required, and proper, suitable, limited and rigorously correct, for carrying into execution those extremely limited set aside powers. The final paragraph specified beyond the previously enumerated powers in Article I, there are no further powers to be had!

Effectively rendering most statutory law repugnant usurpations of Article I.

7. The laws were to be necessary and proper, not biligerant usurpations and repugnant. Certainly proper would respect the contracts' superiority and the intent the Founders clear consistent and redundant common denominator, that being **FREE** and **INDEPENDENT STATES**. The Tenth Amendment was created to eliminate any attempt by the federal government to create laws (even agencies) claimed to be necessary and proper, yet not enumerated while at the same time usurping the States sovereign power and jurisdiction.

8. The Tenth Amendment was created to explicitly limit the federal government to its enumerated limited powers and reserve all other authority to the States or the People. The founders feared that a strong central government might overreach. None of what has been written can be argued assumed or presumed. It's a matter of fact. The fine print legalese--slight confusion if any--does not eviserate the bold print--the obvious--that is reiterated abundantly throughout the Founding Documents and the Federalist Papers.

2 + 2 = 4, not 63. State sovereignty is defined as total independence and self government. Supremacy of authority or rule as exercised by a sovereign or sovereign State. Independent, not to be twisted into requiring assistance.

A. The FBI, an "armed patrol" performing arrest in independent, self governed sovereign States such as Illinois, is "intolerable in a free country."

- B. Equally intolerable would be if German Secret Police were arresting sovereign men and women in the sovereign United States of the American Constitutional Republic. Thus, in this instance, the United States has the same jurisdiction in the State of Illinois, as it has in Zimbabwe, ZERO.
- C. The entirety of Article I details, enumerates the Power of the Congress, as it pertains to law, crimes, felonies. The foregoing powers, those being set aside and relinquished, the laws that were to be necessary and proper pertaining ONLY to the entirety of Article 1, thus making them necessary and proper are as follows:

"The Congress SHALL have the Power to: establish 'uniform Laws on the subject of bankruptcies. to provide for the punishment of counterfeiting the securities and current Coin of the United States. To define and punish Piracies and Felonies committed on the High Seas and offenses against the Law of Nations. To make Rules for the Government and regulation of the land and naval forces. To provide for calling forth the militia to execute the laws of the Union."

Considering these enumerated law, crime, and felony related powers, it becomes evident that the Tenth Amendment has been obliterated as the Union was granted power by said Constitution and the consent of the governed to conduct limited far grander necessary and proper affairs, creating laws regarding only what's contained in Article I, Section 8. The federal government didn't have much to do until It decided to do way too much. In black and white it says Congress shall have the power to make Rules for the government and regulation of land and naval forces. Nowhere is it stated that Congress has the power to create income tax laws, thousands of titles, statutes and codes to come against sovereign people in the independent sovereign States thus inflicting absolute despotism and tyranny causing rampant escapism, drug addiction, alcoholism, depression, anxiety, and more.

D. In the second to last paragraph of Article I, Section 8, the Union is limited "to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten miles square)"

E. The founders limited the Union's jurisdiction to the ten square miles of Washington, D.C. in order to avoid exactly what has occurred that being the federalized States of absolute despotism and tyranny.

The so called federal laws, the statutes, are not grounded in the Constitution. Based on the Founding Fathers' simple words with simple meanings in order for laws to qualify as necessary and proper they shall only pertain to the aforementioned enumerated powers, they cannot be created to apply beyond the jurisdictional boundaries (not exceeding ten miles square), they cannot be created with no end, they cannot usurp State independence, sovereignty and jurisdiction. By default, statutes are repugnant to the Constitution. Much like the Vatican, Washington, D.C. was to be like a country within a country, minding its own affairs, not the State affairs.

1. The Vatican police are not conquering Europe, nor should intolerable Armed Patrols be conquering American State sovereignty, America, and evidently, the entire world.
2. Only two short years after making State independence and sovereignty clear, in 1787, by way of the Constitution, the Founding Fathers created the Bill of Rights--specifically the Tenth Amendment--to prevent misconstruction or abuse of the Union, the powers of the Union--the United States government--
3. The creation of the Tenth Amendment proves once more that the Founding Fathers were greatly concerned about the Potential (accidental or intentional) misconstruction of the Constitution's clear intent, the energy and the spirit of the **Constitution**, that might supplant State sovereignty, and clearly do, using very simple words with very simple meaning once again, it reads as

follows--

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People."

There is no ambiguity in the Tenth Amendment. If laws coming against the common man are not delegated to the Union as they are not said laws, statutes and codes "are reserved for the States respectively or to the People."

Mr. James Madison crafted the Tenth Amendment to balance national security needs with desire for localized control, ensuring the federal system protected State sovereignty. He feared that a strong central government might overreach.

The Founders were worried that the Constitution did not sufficiently restrict national government, potentially allowing it to trample on State authority and individual rights. The Amendment serves as a Rule of interpretation, warning that the inclusion of a Bill of Rights should not be used to imply that the Federal government holds powers not specifically listed in the Constitution.

The Amendment was a direct response to concerns raised during the 1787 Constitutional Convention. The Tenth Amendment reinforces that the United States is a government of limited, delegated powers.

Article II of the Articles of Confederation, the predecessor remain inviolable and perpetual in support and are enumerated and line itemed, thus eliminating any and ambiguity. It reads as follows--

"Each State retains it's sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled."

The usurpation of State independence and sovereignty was not delegated to the United States in Congress assembled. This was to be an impossibility, yet it occurred. Do we require an XXVIII Amendment that reads--"We meant what we said in the Declaration Of Independence and Articles II, III, IV and XIII of the

Articles of Confederation and Articles III, IV of the Constitution and the Tenth Amendment of the Bill of Rights, and throughout the 85 essays in the Federalist Papers?

Regarding complete State sovereignty, freedom, independence and every power, jurisdiction and right, all are inviolable and perpetual! The Union will respect each State's borders as sovereign jurisdictions. This is why we named our Country the United States of America (United in independence and sovereignty). But to the unfortunate contrary, we live in the Federalized States of America, federalized with ambiguous, repugnant usurping statutes, "intolerable" federalized armed patrols [redacted]. Usurping unconstitutional courts that have hijacked State court jurisdiction [redacted]. All while the federal government is able to leverage and withhold federal funding to the States (this has become jurisdiction, bought and paid for). The Founding Fathers assumed simple words with simple meaning would suffice. No member of this prestigious Court was directly involved with gross intentional or unintentional misinterpretations and usurpations of the Constitution, the Founding Documents and the Federalist Papers. This has occurred over generations. The Constitutional Republic is experiencing a slow death by a thousand cuts. That death is fast approaching all of America has inherited this unfortunate mess.

If the foundation of a building is on the level, plumb, square, rock solid and sound and the structure built upon that foundation becomes crooked, lacking structural integrity, the construction must stop. The entire building must be leveled down to its foundation so a new, proper, level structure with integrity can be erected upon the perfect foundation. This must be done before the building falls on its own due to its lack of structural integrity (The fall is approaching and cannot be avoided. [redacted]).

This lack of structural integrity built upon the perfect foundation

has been pointed out in this appeal, using simple words, having simple meaning. It now becomes the duty and obligation of the foundational, level Court with integrity, the Highest Court on the land, to stop the crooked construction, and provide swift remedy using simple interpretation regarding Article II of the Articles of Confederation and the Tenth Amendment of the Constitution as they are simply written using simple words with simple meaning. The simplest just interpretation puts an end to the repugnant usurpation of State sovereignty and independence.

1. Federal prisons are not forts, magazines, arsenals, dockyards, or other needful Buildings as clause 17, Section 8, Article I allows for. There is nothing needful about State prisons being usurped. federal prisons should become homeless shelters or State prisons says almighty GOD, George Washington, Alexander Hamilton, John Jay, James Madison, and the others who signed our Founding Documents, Mr. Timothy Dever and anyone else who can comprehend simple words with simple meanings hidden in plain sight within the Founding Documents and the 85 essays known as the Federalist papers.

CONCLUSION

In view of the historical setting and the wrongs which called the Fifth Amendment into being--the Due Process provision--(just as that in the Fourteenth Amendment) has led few to doubt that it was intended to guarantee procedural standards adequate and appropriate, then and thereafter, to protect, at all times, people charged with or suspected of crime by those holding positions of power and authority, this Petition should be granted, as the behavior involved in this case is consistent with the provisions as articulated in the First Amendment to the Constitution.

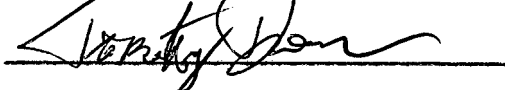
1. As stated by Justice Black,

"Tyrannical governments had immemorially utilized dictatorial criminal

procedure and punishment to make scape goats of the weak, or of helpless political, religious, or racial minorities and those who differed. who would not conform and who resisted tyranny. The instruments of such governments were in the main, two. Conduct, innocent when engaged in, was subsequently made by fiat criminally punishable without legislation. And a liberty loving people won the principle that criminal punishments could not be inflicted save for that which proper legislative action had already by **'the law of the land'** forbidden when done. But even more was needed. From the popular hatred and abhorrence of illegal confinement, torture and extortion of confessions of violations of the **'law of the land'** evolved the fundamental idea that no man's life, liberty or property be forfeited as criminal punishment for violation of that law until there had been a charge fairly made and fairly tried in a **'public tribunal'** free of prejudice passion, excitement and tyrannical power. Thus, as assurance against ancient evils, our Country, in order to preserve **'the blessings of liberty,'** wrote into its basic law the requirement, among others, that the forfeiture of the lives, liberties or property of people accused of crime can only follow if procedural safeguards of due process have been obeyed." Chambers v. Florida, 309 U.S. 227, at 236-37 (1940)

The Petition for Writ of Certiorari should be granted.

Respectfully submitted, this 4/28/2026--



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