



UNITED STATES INC.	§
EWING BROTHER’S TOWING COMPANY	§
LAS VEGAS REVIEW JOURNAL	§
ELI SEGALL	§
JASON GUNNELL	§
	§
	§
Counterdefendants	§
	§
	§
	§

Writ of Contempt

1. COMES NOW THE COURT TO REVIEW ON ITS OWN MOTION to review the actions of the defendants in this action
2. The court issued an order to the defendants to Cease and Desist all actions against the claimant in this case until such time as the issues before this court are settled.
3. Additionally, Nevada Revised Statutes§1.020 all courts in Nevada are courts of record, the decisions of which not even the Supreme Court of the United States can question.<sup>1</sup>

**DETAIL**

4. The following is organized into three sections:
  - I. Judicial cognizance
  - II. Findings of facts, Discussion and Conclusion of Law
  - III. Impeachment and Writ

**I. Judicial Cognizance**

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<sup>1</sup> “The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]

5. This court takes judicial cognizance of and decrees the following:
6. JUDICIAL COGNIZANCE: Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5<sup>th</sup> Edition, page 760.]
7. The people of Nevada do not waive their sovereignty to the agencies that serve them being the sovereigns who ordained and established the Constitution for the Nevada state.<sup>2</sup>
8. Two distinguishing and critical characteristics of a court of record are; A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, AND Proceeding according to the course of common law.
9. The United States shall guarantee to every State in this Union a Republican Form of Government, ...<sup>3</sup>
10. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]
11. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]
12. The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.)

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<sup>2</sup> We the people of the State of Nevada Grateful to Almighty God for our freedom in order to secure its blessings, insure domestic tranquility, and form a more perfect Government, do establish this Constitution. – Nevada Constitution Preamble

<sup>3</sup> Constitution for the United States of America – Article IV Section 4.

(1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]

13. A consequence of this prerogative is the legal *ubiquity* of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the king's image is reflected. 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.
14. The state cannot diminish rights of the people. [Hertado v. California, 100 US 516.]
15. The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice. [Davis v. Wechsler, 263 US 22, 24.]
16. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]
17. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Sherar v. Cullen, 481, F 946.]
18. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]
19. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any

Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

20. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

21. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

22. Pursuant to the NRS§ 1.020 the Municipal Court, District Court is **required** to be a court of record. See: NRS § 1.020 NRS. 1.020, Courts of record. The following courts are courts of record:

1. The Supreme Court;
2. The Court of Appeals;
3. The **district courts**;
4. The Justice courts; and
5. The municipal courts:
  - (a) In any case in which a jury trial is required; or
  - (b) If so designated pursuant to NRS § 5.010.

23. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W.

227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v.

Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175

S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v.

Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and

testimony. (3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481;

Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v.

Davis, 96 Ohio St. 205, 117 N.E. 229, 2310)

D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The

Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga.,

37 F. 488, 2

L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary,

4th Ed., 425, 426]

E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher,

C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2

L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary,

4th Ed., 425, 426] See also: The Constitution of the State of Nevada, Article 6, § 9.

Article 6, § 9. Municipal courts. Provision shall be made by law prescribing the powers[,]

duties and responsibilities of any Municipal Court that may be established in pursuance of

Section One, of this Article; and also **fixing by law the jurisdiction** of said Court so as **not to conflict with that of the several courts of Record.**

24. ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgment in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.]
25. Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. Magna Carta, Article 34.
26. Trespass. Any misfeasance or act of one man whereby another is injuriously treated or damaged. 3 Bl. Comm. 208 An injury or misfeasance to the person, or rights of another person, done with force and violence, either actual or implied in law.<sup>4</sup>
27. Trespass. In its more limited and ordinary sense, it signifies an injury committed with violence, and this violence may be either actual or implied; and the law will imply violence though none is actually used...<sup>5</sup>
28. "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652; Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court.

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<sup>4</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171

<sup>5</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171

29. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. “The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it.” Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]

## II.

### **Findings of Fact, Discussion and Conclusion of Law**

30. The records show the counterclaimant Benson filed an action against counterdefendants named herein;
31. The record shows that all counterdefendants were ordered to cease and desist all action against counterclaimant.
32. In spite of this order, counterdefendant Mead, for obvious retaliatory vindication, imprisoned counterclaimant for one and one half hours on March 15<sup>th</sup>, 2017 and questioned counterclaimant. In addition to this unlawful detention, defendant Mead stole counterclaimant’s government issued Continental United States of America Marshal (CuSA) identification, a crime in and of itself.
33. Jason Gunnell, in direct defiance of an order of this court submitted a “Search and Seizure” warrant on or about March 29<sup>th</sup>, 2017 and signed by a “judge/magistrate” whose signature was illegible and his identity hidden behind his illegible signature.



34. The so called warrant stated that there was a belief that probable cause existed that the items listed would be found at the domicile of claimant, rather than the probable cause of a crime as required by law.
35. This was the result of counterdefendants providing false information to a so called “grand jury” for the purpose of harassing counterclaimant. Said grand jury was not a real grand jury selected by the people from among the people and numbering 25 as required by law. The so called “grand jury” was selected by foreign agents under the rule of the crown of England.
36. Said warrant referred to counterclaimant Thomas Benson as a “person”. Counterclaimant is not in fact a person<sup>6</sup>, but is a people. As is specified in the 4<sup>th</sup> article of amendment<sup>7</sup> to the Constitution of the United States of America, a person is something that people own.
37. Again in defiance to the order of this court, defendants smashed the windows a second time to invade counterclaimants home to steal counterclaimants private property.
38. The record shows that not one defendants provided any evidence to the court why the court’s order to cease and desist was invalid.

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6 "The word "person" in legal terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings." Church of Scientology v. U.S. Dept. of Justice 612 F. 2d 417, 425 (1979)

“The word ‘person’ as used and employed in most statutory language is ordinarily construed to exclude the sovereign, and that for one as such to be bound by statute, they must be 'specifically' named. Wilson v. Omaha Indian Tribe 442 US 653 (1979); Will v. Michigan state Police 491 U.S. 58, 105 L.Ed.2nd 45 (1989); U.S. v. General Motors Corporation, D.C. Ill, 2 F.R.D. 528, 530

"Government admits that often the word 'person' is used in such a sense as not to include the sovereign but urges that, where, as in the present instance, its wider application is consistent with, and tends to effectuate, the public policy evidenced by the statute, the term should be held to embrace the government." (United States v. Cooper Corp. 318 US 600 (1941); United States v. Fox 94 US 315; United States v. Mine Workers 330 US 258 (1947)

7 “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” Article IV

ORDER OF CONTEMPT OF COURT

39. IT IS HEREBY THE ORDER OF THIS COURT counterdefendants Mead, Gunnell, and the judge/magistrate who signed the warrant are in contempt of this court.

40. IT IS FURTHER THE ORDER OF THIS COURT THAT counterdefendants Mead, Gunnell and the judge/magistrate who sign the search warrant are to pay to this court \$500.00 each within 30 days of this order.

41. IT IS FURTHER THE ORDER OF THIS COURT THAT any and all defendants and any other party aiding said defendants are restrained form any action against the claimant until such time as defendants and others aiding said defendants have proven jurisdiction over claimant on the record of this court.

42. IT IS FURTHER THE ORDER OF THIS COURT that any further rogue interference of this court by any officer shall be a contempt of this court and said perpetrator will be in held in contempt without motion and without hearing.

43. IT IS FURTHER THE ORDER OF THIS COURT that all parties to this action are invited to provide as evidence to this court within 20 days why this order is not valid.

Witness the seal of this court this 5<sup>th</sup> day of April, 2017.

The Court

*Thomas Benson*  
By: Thomas Benson  
Attornatus Privatus

*Marina Calove*  
Marina Calove  
Superior Court Justice for the United States of America (continental)



## CERTIFICATE OF SERVICE

I, certify that the true and correct copy of the foregoing document Order of Contempt of Court will served upon by placing it in a sealed envelope First Class Mail Postage prepaid in the U.S. at Las Vegas, Nevada and address mail to:

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Dated: 5<sup>th</sup> day of April, 2017

By Clara L. Bernabe  
Clara L. Bernabe