

DEPARTMENT OF THE TREASURY DOE2	§
UNITED STATES INC.	§
EWING BROTHER’S TOWING COMPANY	§
LAS VEGAS REVIEW JOURNAL	§
ELI SEGALL	§
JASON GUNNELL	§
	§
	§
Counterdefendants	§

CEASE AND DESIST

1. COMES NOW THE COURT ON ITS OWN MOTION TO REVIEW THE ACTIONS of the Senior Deputy Attorney General Jason Gunnell in the inferior court, corporate grand jury.

SUMMARY

2. The Deputy Attorney General does not have any judicial capacity over people. His duties and authority is merely administrative in nature enforcing corporate policy from a corporation.
3. Claimant Benson is challenging the jurisdiction of the Deputy Attorney General over Claimant, one of the people. Once jurisdiction is challenged it cannot be decided and must be proven on the record. “The law provides that once State and Federal Jurisdiction has been challenged, it must be proven.” Main v. Thiboutot, 100 S. Ct. 2502 (1980)
4. Proceeding where jurisdiction is lacking is not only a trespass¹, but treason². “We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not

¹ Where a court has jurisdiction, it has a right to decide any question which occurs in the cause, and whether its decision be correct or otherwise, its judgments, until reversed, are regarded as binding in every other court. But if it acts without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a remedy sought in opposition to them, even prior to a reversal. They constitute no justification, and all persons

given. The one or the other would be treason to the constitution.” *Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)

5. Nevada Revised Statutes does not apply to people who the courts have repeatedly held were sovereign. “In our country the **people are sovereign** and the Government cannot sever its relationship to the people by taking away their citizenship. Our Constitution governs us and we must never forget that our Constitution limits the Government to those powers specifically granted or those that are necessary and proper to carry out the specifically granted ones.” (emphasis added) *AFROYIM v. RUSK*, 387 U.S. 253 (1967) “Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.” *TICK WO v. HOPKINS*, 118 U.S. 356 (1886) “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.) (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.

DETAIL

6. The following is organized into three sections:

I. Judicial cognizance

concerned in executing such judgments or sentences are considered in law as trespassers. *Elliott v Peirsol*, 1 Pet. 328, 340, 26 U.S. 328, 340, 7L.Ed. 164 (1828)

² The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason. *U.S. v. Will*, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821)

II. Findings of facts, Discussion and Conclusion of Law

III. Impeachment and Writ

I. Judicial Cognizance

7. This court takes judicial cognizance of and decrees the following:
8. JUDICIAL COGNIZANCE: Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]
9. 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 Colorado state.³
10. 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.
11. The United States shall guarantee to every State in this Union a Republican Form of Government, ...⁴
12. ...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.]
13. 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.]

³ 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

⁴ Constitution for the United States of America – Article IV Section 4.

14. 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.) (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.]
15. 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.
16. The state cannot diminish rights of the people. [Hertado v. California, 100 US 516.]
17. 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.]
18. 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.]
19. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Sherar v. Cullen, 481, F 946.]
20. 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.]

21. 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.]
22. 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.]
23. 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]
24. 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.
25. 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; Heining 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; Heining 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; Heining 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.**

26. ...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 judgement 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.]
27. Henceforth the writ which is called Praecipe 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.
28. Trespass. Any misfeasance or act of one man whereby another is injuriously treated or damnified. 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.⁵
29. 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...⁶
30. "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.

⁵ Black's Law Dictionary 2nd Ed. Pg. 1171

⁶ Black's Law Dictionary 2nd Ed. Pg. 1171

31. 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

32. The records show the counterclaimant Benson filed an action against counterdefendants (Mead) named herein;
33. The inferior court is not permitted to proceed against any people without first proving its jurisdiction on the record, whether the officer presiding over said court has been specifically name as a defendant or not. Public servants do not have immunity for exceeding their jurisdiction, since once the jurisdiction has been exceeded, the public servants becomes merely any other individual causing a trespass on one he has not authority over.
34. Jason Gunnell is a foreign agent granted a title of nobility from a foreign corporation and assigned a BAR member number 13997C.
35. Jason Gunnell has not registered with the United States of America as required by the Foreign Agent Registration Act.

ORDER

36. IT IS HEREBY THE ORDER OF THIS COURT that Jason Gunnell is to cease any and all actions against claimant Thomas Benson until such time as the issues before this court are settled.

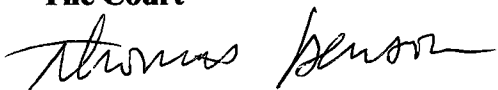
37. IT IS FURTHER THE ORDER OF THIS COURT THAT any and all defendants and any other party aiding said defendants are restrained form any action against the claimant until such time as defendants and others aiding said defendants have proven jurisdiction over claimant on the record of this court.

38. 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.

39. 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 1st day of March, 2017.

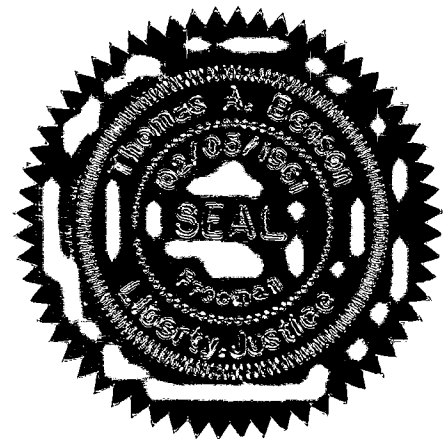
The Court



By: Thomas Benson
Attornatus Privatus



Marina Calove
Superior Court Judge



Attachment

NOTICE OF INTENT TO SEEK INDICTMENT

NOTICE OF INTENT TO SEEK INDICTMENT

GRAND JURY NO: 16AGJ152X

TO: THOMAS BENSON, 1300 Mt. Augusta Court, Las Vegas, NV 89117

YOU ARE HEREBY NOTIFIED THAT THE ATTORNEY GENERAL INTENDS TO SEEK AN INDICTMENT AGAINST YOU FOR THE CRIMES OF:

OFFERING A FALSE INSTRUMENT FOR FILING OR RECORDING, in violation of NRS 239.330; OTHER ACTS CONSTITUTING FORGERY, in violation of NRS 205.095(1); FALSE REPRESENTATION CONCERNING TITLE, in violation of NRS 205.395(2); MULTIPLE COUNTS OF THEFT IN THE AMOUNT OF \$3,500 OR MORE, in violation of NRS 205.0832; MULTIPLE COUNTS OF THEFT IN THE AMOUNT OF \$650 OR MORE, in violation of NRS 205.0835; MULTIPLE COUNTS OF BURGLARY, in violation of NRS 205.060; and PERJURY, in violation of NRS 199.145

AND/OR ANY OTHER CHARGES ARISING OUT OF THE INCIDENTS OCCURRING ON OR BETWEEN APRIL 20, 2016 AND MAY 4, 2016.

A person whose indictments the Attorney General intends to seek or the Grand Jury on its own motion intends to return but who has not been subpoenaed to appear before the Grand Jury, may testify before the Grand Jury if he requests to do so and executes a valid waiver in writing of his constitutional privilege against self-incrimination. Nev. Rev. Stat. 172.241

You are advised that you may testify before the Grand Jury only if you submit a written request to the Attorney General and include an address where the Attorney General may send a notice of the date, time and place of the scheduled proceeding of the Grand Jury. Nev. Rev. Stat. 172.241.

If you desire to testify, you must appear on the 7th day of March, 2017, at the hour of 9:30 a.m., at the Clark County Grand Jury, 200 Lewis Avenue, Lower Level Room 136, Las Vegas, Nevada 89155.

A person whose indictment the Attorney General intends to seek or the Grand Jury on its own motion intends to return may be accompanied by legal counsel during any appearance before the Grand Jury. The legal counsel who accompanies a person may advise his client, but shall not address directly the members of the Grand Jury, speak in such a manner as to be heard by members of the Grand Jury, or in any other way participate in the proceedings of the Grand Jury. The court or the foreperson of the Grand Jury may have the legal counsel removed if he violates any of these provisions or in any other way disrupts the proceedings of the Grand Jury. Nev. Rev. Stat. 172.239

If you are aware of any evidence which tends to explain away the above crimes, and it is your desire that this evidence be presented to the Grand Jury, then you or your attorney must furnish such evidence to the Office of the Attorney General immediately. Responses to testify or present evidence must be addressed to:

**State of Nevada, Office of the Attorney General
555 E. Washington Ave., Suite 3900, Las Vegas, Nevada 89101
Attn: Jason Gunnell, Senior Deputy Attorney General, (702) 486-3904**

THIS IS THE ONLY NOTICE YOU WILL RECEIVE. IT IS YOUR DUTY TO RESPOND AS SET FORTH ABOVE. ANY RESPONSE INCONSISTENT WITH THE ABOVE DIRECTIONS OR ONE WHICH REQUESTS ADDITIONAL NOTIFICATION OF THE GRAND JURY PROCEEDINGS WILL BE DISREGARDED.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Office of the Attorney General and that on the 27th day of February, 2017, I deposited for mailing a true and correct copy of the foregoing **NOTICE OF INTENT TO SEEK INDICTMENT** addressed to the following first class mail, at Las Vegas, Nevada, addressed as follows:

**Thomas Benson
1300 Mt. Augusta Court
Las Vegas, NV 89117**

~~JENNIFER B. SHAWWAY, an employee of the
Office of the Attorney General~~

**Refused to Contact
CEASE AND DEDIST**

CERTIFICATE OF SERVICE

I, certify that the true and correct copy of the foregoing document Cease and Desist for Trespass 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:

State of Nevada
Office of the Attorney General
Attention: Jason Gunnell, Senior Deputy Attorney General
555 E. Washington, Avenue Suite 3900
Las Vegas, Nevada 89101

Dated: 1st day of March, 2017

By Clara Bernabe