

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2017 MAY -5 PM 3: 52

In the De Jure District Court of the United States

JEFFREY P. COLWELL
CLERK

For the District of Colorado

BY _____ DEP. CLK

THE UNITED STATES OF AMERICA §
Kimberly Shields §
Bruce A Doucette §
Steven Dean Byfield §
Stephen Nalty §
Harlan Smith §

Claimants §

CASE # 17CR10085

17-CV-01046

v. §

UNITED STATES (incorporation) §
DONALD JOHN TRUMP §
FEDERAL BUREAU OF INVESTIGATIONS §
STATE OF COLORADO §
CYNTHIA COFFMAN §
COLORADO BAR ASSOCIATION §
MICHAEL A. MARTINEZ §
PATRICIA M. JARZOBSKI §
MARTIN F. EGELHOFF §
ROBERT S. SHAPIRO §
CHRIS BYRNE §
FBI AGENTS DOE 1 - 50 §
KIM DOE §
STANLEY L. GARNETT §
INTERNAL REVENUE SERVICE §

WRIT OF HABEAS CORPUS
Harlan Smith

ANY OTHER YET NAMED PARTICIPANTS §
Defendants §

I, Michaelene Jo: Formanack grantee of the inherent rights God granted to me, a people abiding on the land of the union state Wisconsin, Being one of the Creators by Birthright, knowing adoption and public utterances have Declared the Declaration of Independence, 1776 and the Constitution for the united States of America 1789 as my law to Govern my Creation called Government. That is at all levels of Government including the government of the union state Colorado.

The Declaration of Independence 1776 demands that all Governments secure my unalienable Rights.

Harlan Smith has lost his liberty and is attacked and aggrieved for standing on law that the people of Colorado created.

None of the black robed wo/men proclaiming to be 'judges' in Colorado have a valid oath of office as required by the Colorado Constitution 1876.

The people on Colorado may place whatever papers they desire on the record. No 'government' agency may determine if those papers are lawful or not. IF they are acting in the role as a recorder, their job is to accept whatever papers are given to them. They are to receive them and keep them safe. To do otherwise is a harm to the people.

I demand that you let Harlan Smith free immediately. Genesis 1:26 "Then God said, "Let us make humankind in our image, in the likeness of ourselves; and let them rule over the fish in the sea, the birds in the air, the animals, and over all the earth, and over every crawling creature that crawls on the earth." While some would think that this is a verse about animals, the word "and" connects the thought of rule over all the animals and rule over the earth. Man is to rule – not corporations or a thing called the 'government'.

Colorado Constitution Article II Bill of Rights:

Section 1. Vestment of political power. All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2. People may alter or abolish form of government proviso. The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided, such change be not repugnant to the constitution of the United States.

Section 3. Inalienable rights. All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Section one bears repeating and this time with my emphasis. Section 1. Vestment of WRIT OF HABEAS CORPUS

political power. All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.”

The people create all government and it is founded upon our will only. The Federal Bureau of Investigation of Colorado is a corporation Dun&Bradstreet number 182875401. In fact, there are several corporations in Colorado that are called the FBI and they all have their own corporation number. The people that claim to be working for the FBI are in fact corporate employees, NOT government employees.

18 U.S. Code § 4001 - Limitation on detention; control of prisons

(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

The FBI claims it is acting under the United States; 18 U.S. Code § 4001 (a) gives strict guidelines as to how someone can be imprisoned or otherwise detained. The FBI has given no Act of Congress by which they are holding Harlan Smith.

The first alleged charge that the FBI lists against Harlan Smith is Colorado Revised Statutes Title 18. Criminal Code § 18-17-104. Prohibited activities - (3) ”It is unlawful for any person employed by, or associated with, any enterprise to knowingly conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.” On the purported indictment Cynthia H. Coffman and Robert S Shapiro call the 8 people they kidnapped and the assembly with its grand jury an ‘enterprise’. They call the group ‘The Enterprise’ and admit that it is not, in fact, a legal entity. Just because Coffman and Shapiro call the group of people The Enterprise does not make it so. Not once in any paperwork does that title appear. Calling one a name does not make that people that name. The Enterprise was given to the group because Coffman and Shapiro could then charge them under statutes pertaining to an ‘enterprise’. 1891 Black’s Law Dictionary does not even have a definition for the word ‘enterprise’. It is not a law term. It is a made up word that comes many years later.

COCCA 18. § 17-104(3) also refers to ‘person’ as do most the statutes of Colorado.

SUPREME COURT REPEATEDLY STATES PEOPLE ARE NOT PERSONS:

1. "In common usage, the term 'person' does not include the sovereign, and statutes

employing the word are ordinarily construed to exclude it." *Wilson v. Omaha Indian Tribe* 442 US 653, 667 (1979).

2. "Since in common usage the term 'person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it." *U.S. v. Cooper*, 312 US 600, 604, 61 SCt 742 (1941).
3. "In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so." *U.S. v. United Mine Workers of America*, 330 U.S. 258, 67 SCt 677 (1947).
4. "Since in common usage, the term 'person' does not include the sovereign, statutes employing the phrase are ordinarily construed to exclude it." *US v. Fox* 94 US 315.
5. "In common usage the word 'person' does not include the sovereign, and statutes employing the word are generally construed to exclude the sovereign." *U.S. v. General Motors Corporation*, D.C. Ill, 2 F.R.D. 528, 530:
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. US Department of Justice* 612 F2d 417, 425 (1979).

THE SUPREME COURT AND COURTS RULE PERSONS ARE THE GOVERNMENT

7. "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).
8. **"The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government." (Persons are not**

People). *Spoooner v. McConnell*, 22 F 939, 943.

THE SUPREME COURT RULES THE PEOPLE ARE SOVEREIGNS

9. "In the United States, sovereignty resides in people." *Perry v. U.S.* (294 US 330).
10. "Our government is founded upon compact. Sovereignty was, and is, in the people" *Glass v. Sloop Betsey*, supreme Court, 1794.
11. "People of a state are entitled to all rights which formerly belong to the King, by his prerogative." Supreme Court, *Lansing v. Smith*, 1829.
12. "The people, or sovereign are not bound by general words in statutes, restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King or the people. The people have been ceded all the rights of the King, the former sovereign ... It is a maxim of the common law, that when an act is made for the common good and to prevent injury, the King shall be bound, though not named, but when a statute is general and prerogative right would be divested or taken from the King (or the People) he shall not be bound." *The People v. Herkimer*, 4 Cowen (NY) 345, 348 (1825)
13. "The United States, as a whole, emanates from the people ... The people, in their capacity as sovereigns, made and adopted the Constitution ..." Supreme Court, 4 Wheat 402.
14. "A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal Right as against the authority that makes the law on which the Right depends." *Kawananakoa v. Polyblank*, 205 U.S. 349, 353, 27 S. Ct. 526, 527, 51 L. Ed. 834 (1907).
15. "There is no such thing as a power of inherent sovereignty in the government of the United States In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." *Juillard v. Greenman*, 110 U.S. 421.
16. All public officials know or should have known the people are not subject to corporate policy or statutes for persons in the United States. "...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.

17. All public officials know or should know about President Trump's Proclamation which states the government is back in the hands of the People.¹
18. Having given evidence that Harlan Smith is not a 'person' and cannot be held in jail Coffman and Shapiro must give the law under which they are detaining him.
19. Harlan Smith is not HARLAN SMITH. That is the name of an entity, a thing. It is not one and the same as Harlan Smith created in the very image of God.
20. Coffman and Shapiro must give evidence of the personal jurisdiction they have over the body of Harlan Smith.
21. 18 U.S. Code § 4001 - Limitation on detention; control of prisons; "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress." Coffman and Shapiro will put on the record a signed Affidavit under penalty of perjury, what act of Congress they are using to detain Harlan Smith.
22. When Harlan Smith was kidnapped by the FBI and the private corporation police officers he was never presented with an arrest warrant, a mere search warrant was presented which is NOT an arrest warrant. The men only had 'authority' which they believed to be granted to them to take items – not a man.

Colorado Constitution Article II Bill of Rights Section 7. Security of person and property searches seizures warrants. The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place or seize any person or things shall issue without describing the place to be searched, or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

Harlan Smith was not secure in his person, property, search, seizure, or warrant. He is not under the Bill of Rights.... YOU Coffman and Shapiro ARE under it and you are to keep Harlan Smith safe from unreasonable searches, seizures, and warrants. You had no probable cause to send anyone to kidnap him.

23. Coffman and Shapiro have no jurisdiction over Harlan Smith; "No man is good enough to

¹ Proclamation 9570 of January 20, 2017 President Trump
WRIT OF HABEAS CORPUS

govern another man without the other's consent" – Abraham Lincoln. It is certain you do not have authority to govern Harlan Smith and that you do not have his consent.

DEMAND

I, Michaelene Jo demand you produce the body Harlan Smith make him whole or justify with evidence, why you are keeping him incarcerated. I demand the act of Congress you are using for your actions.

Paper can only control corporations. People cannot be controlled by paper. Harlan Smith is NOT part of your so called 'The Enterprise'. He is a man created in the very image of God Himself. As God states in His Word "Let my people go." so let His son Harlan Smith go immediately.

You have 3 days from receipt of this Habeas to produce the body, or an affidavit stating you do not have to abide by 18 U.S. Code § 4001 - Limitation on detention; control of prisons

- (a) "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

Created and sealed by my hand this Eighteenth day, Fourth month, Two-Thousand and Seventeen.

Michaelene Jo

All Inherent Rights Reserved