

FILED  
U.S. DISTRICT COURT  
DISTRICT OF COLORADO  
2017 MAY 15 PM 12:30  
JEFFREY P. COLWELL  
CLERK  
BY \_\_\_\_\_ DEP. CLK

**In the De Jure District Court of the United States**

**For the District of Colorado**

THE UNITED STATES OF AMERICA et. al. § CASE # 17-cv-01046-KMT  
Claimants §  
v. §  
UNITED STATES (incorporated) § Writ of Cease and Desist  
ANY OTHER YET NAMED PARTICIPANTS §  
Defendants §

**WRIT TO CEASE AND DESIST**

1. COMES NOW THE COURT ON ITS OWN MOTION TO REVIEW THE ACTIONS of the sheriff of Denver County Detention Center, the inferior court, corporate grand jury and BAR member Defendants.

**SUMMARY**

2. Defendants Cynthia Coffman, Robert S Shapiro, nor any black robed 'judge' of any district in Colorado have any judicial capacity over the People. Their duties and authority is merely administrative in nature enforcing corporate policy from a corporation.
3. Claimants are challenging the jurisdiction of the purported court, its proclaimed judges, Coffman, Shapiro and the sheriff over Claimants, 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 trespass<sup>1</sup>, but treason<sup>2</sup>. “We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not 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. Colorado statutes do not apply to people who the courts have repeatedly held are sovereign. The people are self-governed “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

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<sup>1</sup> 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 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)

<sup>2</sup> 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)

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. The Constitution is a compact between the government and the People. It owes the People services and its agents owe the people their service as a public officer.

**DETAIL**

6. 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**

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, 5<sup>th</sup> Edition, page 760.]

9. The people of Colorado do not waive their sovereignty to the agencies that serve them being the sovereigns who ordained and established the Constitution for the Colorado state.<sup>3</sup>

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, ...<sup>4</sup>

<sup>3</sup> We, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government; establish justice; insure tranquility; provide for the common defense; promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the "State of Colorado." Preamble, Colorado Constitution

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

- 25.** ...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.]

26. 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.
27. 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>5</sup>
28. 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>6</sup>
29. "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.
30. 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)]

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

<sup>6</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171

31. In a recent ruling *Nelson v. Colorado*, the following was decided: “Although a state appellate court sided with them, the Colorado Supreme Court denied their refund request. Instead, the court ruled that Nelson and Madden could reclaim their money only through the state’s Exoneration Act, which requires filing a civil claim and proving “that the person was actually innocent of the crime for which he or she was convicted.”

“Allowing that ruling to stand would fly in the face of centuries of Western legal traditions. As the Institute for Justice, a public interest law firm, noted in an amicus brief, “the presumption of innocence has deep historical roots” and can be traced back not only through American jurisprudence but through English common law, Roman law and even to the Pentateuch. Moreover, that presumption is a critical safeguard against a justice system “where individuals can be subjected to arbitrary and irrational deprivations of their liberty and property.”

“Fortunately, the U.S. Supreme Court, in a 7-1 ruling, ruled Colorado’s law was unconstitutional. Writing for the majority, Justice Ruth Bader Ginsburg held that “the Exoneration Act’s scheme does not comport with the Fourteenth Amendment’s guarantee of due process.” Nelson and Madden are “entitled to be presumed innocent” and “should not be saddled with any proof burden” to regain what is rightfully theirs.”

The important fact to note is that the People are entitled to be presumed innocent until proven guilty. Setting unreasonable bail, incarcerating a People without an injured wo/man who made a complaint against them, stalking people for years to ‘catch’ them purportedly breaking one or several of the corporation statutes, and treating a People as a corporate person is not treating the People as innocent until proven guilty. The mode of operation in Colorado has been to



treat a People as guilty and make them work hard to prove their innocence. The U.S. Supreme Court ruling is a start towards protecting the People's unalienable inherent rights.

## II.

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

32. The records show the Claimants filed an action against Defendants 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 named 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 no authority over.
34. Several defendants are foreign agents granted a title of nobility from a foreign corporation and assigned a BAR member number.
35. Those defendants that are BAR members have 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 the Defendants are to cease any and all actions in the inferior court against Claimants until such time as the issues before this court are settled.
37. **IT IS HEREBY THE ORDER OF THIS COURT** that Coffelt and Shapiro cease treating the People as guilty until proven innocent and uphold the U.S. Supreme Court ruling.
38. **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 Claimants until such

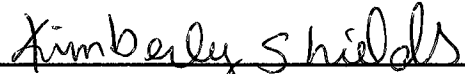
time as defendants and others aiding said defendants have proven jurisdiction over Claimants on the record of this court.


**39. IT IS FURTHER THE ORDER OF THIS COURT** that further actions against claimants named herein will be a contempt of this court and said perpetrators will be held in contempt of this court without motion and without hearing.

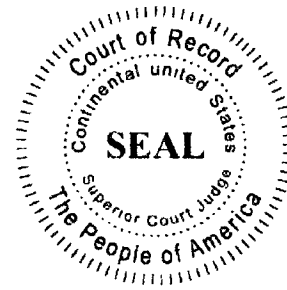
**40. IT IS FURTHER THE ORDER OF THIS COURT** that all parties to this action are invited to provide just cause as evidence to this court within 20 days why this order is not valid.

Witness the seal of this court this 8<sup>th</sup> day of May, in the year of our Lord 2017.

**The Court**

  
\_\_\_\_\_  
By: Kimberly Shields  
Attornatus Privatus

  
\_\_\_\_\_  
Witnessed by: Michael R. Hamilton  
Chief Justice for the Superior Court  
for the united States of America (Non corporate)



### CERTIFICATE OF SERVICE

I, certify that a true and correct copy of the foregoing document Order to Cease and Desist was served upon all named defendants by placing it in a sealed envelope First Class Mail Postage prepaid in the U.S. and address mail to:

<b>United States</b> 1600 Pennsylvania Ave, Washington, D.C. 20500	<b>Donald John Trump</b> 1600 Pennsylvania Ave. Washington, D.C. 20500	Federal Bureau of Investigation 8000 East 36th Avenue Denver, Colorado 80238
State of Colorado 1300 Broadway, 10th Floor Denver, Colorado 80203	Cynthia Coffman 1300 Broadway, 10th Floor Denver, Colorado 80203	Colorado BAR Association 1900 Grant Street # 900 Denver, Colorado 80203
Michael A. Martinez <b>Ralph L. Carr Judicial Center</b> 1300 Broadway, Suite 220 Denver, Colorado 80203	Patricia M. Jarzobski 1900 Grant Street # 900 Denver, Colorado 80203	Martin F. Egelhoff <b>Ralph L. Carr Judicial Center</b> 1300 Broadway, Suite 220 Denver, Colorado 80203
Robert S. Shapiro 1300 Broadway, 10th Floor Denver, Colorado 80203	Chris Byrne 8000 East 36th Avenue Denver, Colorado 80238	Kim Doe (FBI) 8000 East 36th Avenue Denver, Colorado 80238
FBI Agent Doe 1-50 8000 East 36th Avenue Denver, Colorado 80238	Stanley L. Garnett Justice Center 1777 Sixth Street Boulder, CO 80302	Internal Revenue Service 1500 Pennsylvania Avenue Northwest, Washington, DC 20229

Dated: 15<sup>th</sup> day of May, 2017

By: *[Signature]* - *HACIENDA TOPA*