

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.**

22. ...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.... (Confirmation Cartarum, November 5, 1297" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.)

23. 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.

- 24. 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.⁴
- 25. 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...⁵
- 26. "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.
- 27.** 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

⁴ Black's Law Dictionary 2nd Ed. Pg. 1171

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

28. The records show the counterclaimant Benson filed an action against counterdefendants named herein;
29. The record shows that all counterdefendants were ordered to cease and desist all action against counterclaimant.
30. In spite of this order, counterdefendant Mead, for obvious retaliatory vindication, imprisoned counterclaimant for one and one half hours on March 15th, 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.
31. Defendant Mead has shown his disdain for the law and the Constitution for the United States of America actually referring to the Constitution, which he had sworn an oath to uphold and defend, as "archaic" stating that nobody uses it anymore. In spite of his disdain for the Constitution for the United States of America, this court does, in fact, still expect all public servants to abide by the restrictions of the Constitution. Mead's action have been criminal.
32. Defendant Mead's actions against counterclaimant Benson have been pursued to counterclaimant using the Nevada statutes to specifically claim the rights to bank owned properties. Benson followed the letter of the statutes, but counterdefendant's have pursued counterclaimant Benson although has abode strictly to the statutes for the process for adverse possession.

33. Defendant Gunnell has himself shown his disdain for the Constitution for the United States of America and the Nevada Constitution continuing an attack on a people of Nevada in spite of an order to cease and desist.

34. Defendants have repeatedly referred to counterclaimant Thomas Benson as a "person".

Counterclaimant is not in fact a person⁶, but is a people. As is specified in the 4th article of amendment⁷ to the Constitution of the United States of America, a person is something that people own.

35. 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.

36. The record shows that not one counterdefendant provided any evidence to rebut the allegations made by the counterclaimant in this case. Rather than rebut the counterclaimant's allegations, counterdefendants merely submitted frivolous motions and other filings to delay due process of law. If the counterdefendants had jurisdiction over counterclaimant Benson, then counterdefendants should have provided evidence of said jurisdiction. All of the

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.2d 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

counterdefendants have defaulted on providing any evidence that they have jurisdiction over counterclaimant merely submitting frivolous motions to delay the court.

37. The evidence in this case also shows a conspiracy between the counterdefendants attorneys, counterdefendant Gunnel and the Magistrate, all members of the same private corporation known as the BAR, which is a foreign corporation.

38. Members of the BAR are granted the title of nobility of "Esquire", a foreign title of nobility ranking below knight but above gentlemen.⁸

39. Evidence of the titles of nobility being foreign to these united States of America can be found in Article I, Section 9, Clause 8 which states, "No title of nobility shall be granted by the United States." AND Article I, Section 10, Clause 1 which states, "No State shall.... grant any Title of Nobility." As such, one can ascertain that said title of nobility of Esquire was granted by a foreign entity outside the jurisdiction of these united states.

40. As Esquires hold a foreign title of nobility and as a members of the foreign corporation BAR, said foreign agent BAR members have failed to provide evidence of his/her Foreign Agent Registration Act ("FARA") registration before s/he proceeding in this court of record.

41. As is found in Black's Law Dictionary 1st Edition on page 433, top of left column, "ESQUIRE. In English Law. A title of dignity next above gentleman, and below knight. Also a title of

⁸ Article XIII put the teeth into this: Article I, Section 9, Clause 8: "No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

Article XIII "If any citizen of the United States shall Accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States (COMMENT – vs US Citizen...a different thing), and shall be incapable of holding any office of trust or profit under them, or either of them."