

UNITED STATES DISTRICT COURT

FILED

for the

Eastern District of Tennessee

NOV 03 2021

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

UNITED STATES OF AMERICA

v.

Case No. 3:17-CR-82

Randall-Keith:Beane

Heather-Ann:Tucci:Jarraf

**EMERGENT MOTION TO VACATE AND SET ASIDE
THE CONVICTION AND SENTENCE
And Restoration of Property
28 U.S. Code § 2255**

Proposed Order Attached

“A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence...”

“The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for a law which violates the Constitution to be valid.”

“All laws which are repugnant to the Constitution are null and void,” Marbury vs. Madison, 5 US (2 Cranch) 137, 174, 176, (1803)

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Randall-Keith:Beane (Reg. #52505-074), hereinafter Movant, is false
imprisoned at the Federal Correctional Institution, Elkton, Ohio. July 11, 2017

Movant was unlawfully arrested, detained, false imprisoned, and subsequently tried and convicted in the United States District Court for the Eastern District of Tennessee. The sentence consists of a term of 120 months as to each of Counts One through Five (18 U.S.C. § 1343 - Wire Fraud) and 155 months as to Count Six (18 U.S.C. § 1344 - Bank Fraud) and Seven (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering) with all counts to run concurrently.

Movant declares he has seen no sworn affidavit from a competent fact witness with firsthand knowledge to lawfully assert a charge against Movant. Movant does not believe any such affidavit exists. The plaintiff is a corporation and did not prove injury, loss, or standing.

Movant and Heather-Ann:Tucci:Jarraf timely filed a request for an appeal with the Sixth Circuit Appellate Court and it was essentially denied. There was an appeal but Movant and Heather-Ann:Tucci:Jarraf were not part of it. While Jeffrey Sutton wrote in his appellate opinion “...all defendants, whether lawyers or not, have a right to represent themselves—what amounts to the right to reject counsel and to confront the government alone,” (United States Court of Appeals for the Sixth Circuit, Opinion, Sutton, Circuit Judge, P.5, ¶ 4) **he DENIED this right** to Movant and Heather-Ann:Tucci:Jarraf and appointed two attorneys at law/officers of the court, Stephen Louis Braga and Denis G. Terez, without the consent of Movant or Heather-Ann:Tucci:Jarraf. These two attorneys did not consult with

Movant or Heather-Ann:Tucci:Jarraf regarding the case or the appeal. The appellate case number for HEATHER ANN TUCCI-JARRAF is 18-5752. The appellate case number for Movant is 18-5777. Movant has not filed a petition for certiorari in the United States Supreme Court.

In July 2021, Movant filed a Habeas Corpus and Void Judgment Petition of Remonstrance and Motion to Expunge the Case and Record with representatives of the Tennessee General Assembly and the United States Congress.

Movant, hereby claims the right to be released from the Federal Correctional Institution, Elkton based upon the grounds listed and that Movant and Heather-Ann:Tucci:Jarraf are the victims of a Tennessee organized crime syndicate that involved FBI investigators, federal prosecutors, federal judges, sheriff office and others. The trial, conviction and sentence were in violation of the Constitution and laws of the United States. Movant requests that which the court previously decreed be undone by vacating and setting aside the conviction and sentence of Heather-Ann:Tucci:Jarraf and Movant, Randall-Keith:Beane.

The District Court for the Eastern District of Tennessee was without personal and subject matter jurisdiction to try, convict and impose a sentence based upon the following:

GROUND ONE - As of March 2013 the District Court does not exist – Uniform Commercial Code (UCC)

According to the Uniform Commercial Code, filing #2012127914, “any and all CHARTERS, inclusive of The United States Federal Government, UNITED STATES, “STATE of ...”, Inclusive of any and all abbreviations, idem sonans, or other legal, financial or managerial forms, any and all international equivalents, inclusive of any and all OFFICES, inclusive of any and all OFFICERS, PUBLIC SERVANTS, EXECUTIVE ORDERS, TREATIES, CONSTITUTIONS, MEMBERSHIP, ACTS, and any and all other contracts and agreements made thereunder and thereby, are now, void, worthless, or otherwise cancelled, un rebutted; ...”

Uniform Commercial Code filing #2012114776 ‘Declared and ordered irrevocably cancelled; any and all charters for Bank of International Settlements (BIS) members thereto and thereof including all beneficiaries, including all certain states of body owning, operating, aiding and abetting private money systems, issuing, collection, legal enforcement systems, operating SLAVERY SYSTEMS ...commandeering lawful value by unlawful representation...”

Uniform Commercial Code filing #2012096074 (Sept. 2012)- Orders to Cease and Desist - states volunteers within the military ... ‘to arrest and take into custody any and all certain states of body, their agents, officers, and other actors, regardless of domicile by choice, owning, operating, aiding and abetting private money systems, issuing, collection, legal enforcement systems, operating

SLAVERY SYSTEMS against the several states citizens, ...’, and “Repossess all private money systems, tracking, transferring, issuing, collection, legal enforcement systems operating SLAVERY SYSTEMS...” “...all beings of the creator shall forthwith assist all Public Servants identified herein, to implement, protect, preserve and complete this ORDER by all means of the creator and created as stated herein, by, with, and under your full personal liability...”

The UCC filings are unrebutted and the cancellation was finalized in 2013. (UCC Filing #2012096794 – Order of Finding and UCC Filing #2013031779 – Eternal Essence Filing Unrebutted) In the uniform commercial code there is a rebuttable presumption. Facts are assumed to be true until they are rebutted. UCC § 1-206 provides that **“the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.”**

Thomas A. Varlan (trial judge) and C. Clifford Shirley (magistrate) ignored this requirement and unlawfully and illegally proceeded to trial without jurisdiction.

GROUND TWO - The laws cited in the indictment and district court arrest warrants DO NOT EXIST – No Enacting Clause

There is no enacting clause in any of the codes charged. You cannot tell upon whose authority 18 U.S. Code § 3231, § 1343, § 1344, § 1956, and § 1957 was written. The U.S. code Varlan and Shirley used to determine jurisdiction (18 U.S. Code § 3231) and the codes the prosecutors charged in the indictment

(§ 1343, § 1344, § 1956, and § 1957) do not have an enacting clause. A Federal law requires an enacting clause to make it a law coming from the authorized source – Congress. The object of an enacting clause is to show that the act comes from a place pointed out by the Constitution as the source of power. (Ferrill v. Keel 151 S.W. 269, 272, 105 Ark. 380 (1912) It should show **on its face** the authority by which it was enacted and promulgated.

GROUND THREE

- Even if the laws cited in the indictment and warrant did exist – and we know they do not – the indictment and warrants are still fraudulent:

1) Arrest warrant on an indictment must be signed by the clerk – 18a U.S. Code Rule 9 – not a fictitious deputy clerk.

2) The laws cited are evidence of the law – NOT LAW - 1 US Code § 204 and 1 U.S. Code § 112;

There are no valid laws charged against Movant and Heather-Ann:Tucci:Jarraf. Without valid laws there is no subject matter jurisdiction and any decision rendered is void.

Per 1 US Code § 204 – the charging documents list codes as evidence of the law. They do not cite actual law. An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action. “Subject matter is the thing in controversy.” (Holmes v. Mason, 115 N.W. 770, 80 Neb. 454, citing Black’s Law Dictionary). Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does

not exist or **does not constitutionally exist**, or where the law is invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.

The July 19, 2017 district court arrest warrants for Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were not in legal form. They were not signed by the clerk as required under 18a U.S. Code Rule 9 - Arrest Warrant on an Indictment must be signed by the clerk. They are fraudulent arrest warrants.

GROUND FOUR - No FBI Jurisdiction, No US Attorney Jurisdiction, No District Court Jurisdiction

18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation), the FBI has the authority to serve warrants **issued under the authority of the United States**. The FBI does not have the authority in Tennessee to serve a South Carolina misdemeanor traffic related warrant that was disposed of two years prior in 2015.

28 U.S. Code § 547 United States Attorney shall prosecute **for all offenses against the United States**; prosecute or defend for the government **all civil actions**... There was no offense against the United States. The “United States” was not the plaintiff. The plaintiff was the corporation “UNITED STATES OF AMERICA.” Furthermore, during trial testimony, Sean O’Malley of the New York Federal Reserve Bank made it clear – **“there was no loss to the U.S. government”** (Trial Transcript Volume 4, P.18, Line 12-13) Without a loss there is

no standing. With no standing there is no subject matter jurisdiction. In *Lujan v. Defenders of Wildlife* (90-1424), 504 U.S. 555 (1992), the Supreme Court created a three-part test to determine whether a party has standing:

- a. The plaintiff must have suffered an "injury in fact," meaning that the injury is of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent.
- b. There must be a causal connection between the injury and the conduct brought before the court.
- c. It must be likely, rather than speculative, that a favorable decision by the court will redress the injury.

The government went on and on about the FDIC during the trial trying to create an injury to gain standing by tying the FDIC into their conspiracy plot, but the FDIC says – robberies and other causes of disappearing funds are not insured by the FDIC. So even if what the government said occurred, – but we know the government is lying and it didn't occur – the FDIC would not have anything to do with it.

18 U.S. Code § 304 the power of courts and magistrates extends only to offenses against the United States. The United States Constitution prescribes what the jurisdiction of the Federal government is by the enumerated powers. This is the extent of the jurisdiction of the United States government. It is only in these

areas that a crime or offense against the United States can exist, and this is so only when Congress actually passes a law in one of the areas within their eighteen tasks enumerated. **An act committed within a State cannot be made an offense against the United States**, unless it has some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. (United States v. Fox, 95 U.S. 670, 672 (1877))

The Federal Courts only have jurisdiction in matters involving an offense against the United States, and nothing can be an offense against the United States unless it is made so by lawful Congressional act pursuant to the U.S. Constitution. There is no other source from which Congress can get authority to make law.

GROUND FIVE

- 1) The South Carolina misdemeanor traffic related bench warrant used to arrest Movant in 2017 was disposed of in 2015. It is also outside the territorial jurisdiction of Tennessee.
- 2) The Tennessee district court arrest warrants were signed by a fictitious deputy clerk.

The July 11, 2017 arrest was unlawful. The FBI, Knox Sheriff Deputy, and University of Tennessee police department used a 2015 disposed of South Carolina misdemeanor traffic related bench warrant to arrest Movant. They would not provide Movant a copy of the warrant. Arresting officer Parker Still (FBI agent) said handing someone a copy of the warrant so that they may inspect it to ensure it is authentic is TV stuff. (Trial Transcript, Volume I, P. 69, Line 13-17) When

Heather-Ann:Tucci:Jarraf expressed shock at Parker Still's disregard for due process Thomas A. Varlan decided he would not allow any discussion on the matter. He silenced Heather-Ann:Tucci:Jarraf on evidence proving denial of due process and he denied the jury their right to hear that evidence – **"THE COURT:** Let's not comment on the evidence. Let's go ahead and ask the next question."

(Trial Transcript Volume I, P. 70, Line 7-8). "It is the duty of the courts to be watchful for the Constitutional rights of Americans and against any stealthy encroachment thereon." (Boyd v. United States, 116 U.S. 616, 635)

The South Carolina and district court arrest warrants used to arrest Movant are defective. The Knoxville Sheriff detained Movant for the FBI from July 11, 2017 to July 26, 2017 – 16 days – without a valid warrant – and after Magistrate Rowe of Tennessee's General Sessions Court ordered Movant be released July 13, 2017. The sheriff ignored Magistrate Rowe's order and re-arrested Movant July 13th using the same disposed of South Carolina traffic warrant. The Knoxville sheriff cannot lawfully execute a warrant from South Carolina because it is outside their jurisdiction. The FBI and Sheriff are obligated to know if under the law the South Carolina 2015 disposed of warrant and the district court warrants signed by a fictitious clerk is defective and within their territorial jurisdiction.

The district court arrest warrants did not contain an affidavit of the person making the charge under oath. It did not state any facts that constitute a crime. It

only lists “codes” as “evidence of law” – NOT actual law. The prosecutors claimed USAA Bank was the victim but there was no affidavit from USAA Bank.

GROUND SIX - Denial of due process, No probable cause hearing, Denial detention/bail hearing, No formal sworn affidavit

The government and the trial judge did not follow the exact course of the law. There was no probable cause hearing – not before Movant was arrested and not while he was detained. In the case of an indictment, a grand jury determines whether there is probable cause to make an arrest or issue an arrest warrant. Movant was arrested July 11, 2017. The grand jury heard the case July 18, 2017. There was no probable cause for the July 11, 2017 arrest because the grand jury had not even heard the case.

In the case of a criminal complaint, a judge hears the evidence and makes the initial determination of whether probable cause exists. Movant has seen no evidence that a criminal complaint under sworn oath or a sworn affidavit that allegedly provided probable cause was filed against Movant and Heather-Ann:Tucci:Jarraf to initiate an action. Movant did not and does not have access to Parker Still’s FBI Sentinel file. Movant was denied the right to defend against the alleged complaint or affidavit. The grand jury and trial jury were denied the right to see or know the content of the alleged sworn complaint and/or alleged sworn affidavit.

The FBI and Knoxville Sheriff decided to arrest Movant with a warrant, albeit a fraudulent one. They were obligated to comply with the Fourth Amendment which guarantees “the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures.” The provision regulates how warrants are to be issued: “**no warrant shall issue, but upon probable cause, supported by oath** ...” If an arrest is made with a warrant the officer must follow the criteria of the Fourth Amendment otherwise it is an unlawful arrest as the warrant would be illegal.

The judgment is void. The FBI agents, Assistant US attorneys and district court judges proceeded knowingly without subject matter jurisdiction or personal jurisdiction. All rulings were made in violation of due process. No one may be arrested except by due process of law. The FBI and Knoxville Sheriff did not have a valid arrest warrant to arrest Movant or Heather-Ann:Tucci:Jarraf.

C. Clifford Shirley, Jr. denied Movant a detention/bail hearing. Under threat and duress, on/about July 27, 2017, Movant was forced to sign a “waiver of detention hearing” approved by C. Clifford Shirley. C. Clifford Shirley knew when he approved the waiver that one cannot give consent for an unlawful deprivation of liberty. When Movant again requested a detention hearing C. Clifford Shirley said ‘we can’t get to that.’ (August 29, 2017 C. Clifford Shirley, Jr. hearing to remove Bobby Hutson, Jr. [Public Defender] appointed by C.

Clifford Shirley, Jr., Document. 40, 34 pages, p. 9, Line 11-14) C. Clifford Shirley knowingly and intentionally denied Movant a due process detention hearing.

“Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, **must be set aside**”, Jaffe and Asher v. Van Brunt, S.D.N.Y.1994. 158 F.R.D. 278.

The indictment was the result of testimony from one FBI agent (Parker Still) who committed aggravated assault causing serious bodily injury against Movant during the July 11, 2017 arrest in Tennessee in which he used a 2015 disposed of South Carolina misdemeanor traffic warrant. Parker Still did not have firsthand knowledge of any wrongdoing. He did not investigate any wrongdoing. And he did not have jurisdiction under 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation). A formal accusation is essential for every trial of a crime. Without it the court acquires no jurisdiction to proceed, even with the consent of the parties, and **where the indictment is invalid the court is without jurisdiction**. Ex parte Carlson, 186 N.W. 722, 725, 176 Wis. 538 (1922) **Without a valid complaint any judgment or sentence rendered is “void ab initio.”** (Ralph v. Police Court of El Cerrito, 190 P.2d 632, 634 84 Cal. App.2d 257 (1948))

There was no justiciable issue presented to the court through proper pleadings. No sworn complaint, no firsthand knowledge affidavit, and no plaintiff

with standing. (Ligon v. Williams, 264 Ill. App 3d 701, 637 N.E. 2d 633 (1st Dist. 1994))

Movant's detention was and is without legal or lawful authority. It is false imprisonment. The face of the South Carolina warrant clearly said 'of the said state – South Carolina,' and the Tennessee warrants were clearly fictitious signed – not signed by the clerk as required in 18a U.S. Code Rule 9. Arrest Warrant on an Indictment must be signed by the clerk.

GROUND SEVEN - No subject matter and personal jurisdiction

There was a clear want of subject matter jurisdiction. The alleged crime is outside the territorial jurisdiction of the United States district court.

C. Clifford Shirley (magistrate) and Thomas A. Varlan (trial judge) said their jurisdiction comes from congress and 18 USC § 3231. Congress cannot give power it does not have. Congress does not have the power to grant judicial authority to the district court. All district courts are Article III courts and judicial power is outlined and limited in Article III. Congress' power is enumerated in Article I of the Constitution. Section 3231 of the US code says, "The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all **offenses against the laws** of the United States." This section is vague and unclear. One cannot commit an offense against the laws? It is not possible.

Congress does not have authority over Article III judicial power.

Furthermore, Article I, Section 2 of the constitution states "...The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one representative..." The US population count as of July 7, 2017 was approximately 325,184,468. If you divide 325,184,468 by 30,000 there should be approximately 10,839 house representatives. Article I, Section 5 of the constitution states "Each House shall be the Judge of the elections, returns and qualifications of its own members, and **a majority of each shall constitute a Quorum to do Business...**" There are currently 435 members of the House of Representatives. Since there is supposed to be approximately 10,839 as of July 2017 congress has never had a quorum to do business. They have never passed a valid law.

District courts are Article III courts of record. Thomas A. Varlan and C. Clifford Shirley did not operate a court of record. The district court was not in compliance with court of record requirements - 28 U.S. Code § 132. According to 28 U.S. Code § 132(a). Creation and composition of district courts – "**a district court shall be a court of record.**" A court of record must proceed according to common law – not statute. In a court of record the judge does ministerial functions and has no discretion in a court of record. He's a referee. A **court of record** is 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**. (Black's Law Dictionary, 4th Edition, p. 426)

Movant and Heather-Ann:Tucci:Jarraf were not tried in an Article III court of record. Thomas A. Varlan and C. Clifford Shirley fraudulently concealed their jurisdiction under color of law. The FBI, US Attorney, District Court, Appellate Court and others were in on the fraud and concealment. They all knew there was no subject matter jurisdiction and no personal jurisdiction. The Court knew they did not have a valid warrant. The Court obtained personal jurisdiction by means of kidnapping. Movant and Heather-Ann:Tucci:Jarraf were kidnapped.

The trial judge, Thomas A. Varlan, denied Movant and Heather-Ann:Tucci:Jarraf their right to challenge jurisdiction by means of a Motion in Limine filed by the government. "Court must **prove on the record, all jurisdiction facts** related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

C. Clifford Shirley (magistrate) was assigned to make a recommendation with regard to jurisdiction. However, C. Clifford Shirley was a magistrate and magistrates handle misdemeanor cases – NOT felony cases. A magistrate is not qualified to try a felony case and he/she certainly is not qualified or authorized to make a jurisdiction determination regarding a felony case. No decision made by C.

Clifford Shirley regarding the alleged “felony” case is valid. Furthermore, “A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance” (Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409)

The district court unlawfully took personal jurisdiction by force. The Court did not have a lawful arrest warrant for Movant or Heather-Ann:Tucci:Jarraf. Movant and Heather-Ann:Tucci:Jarraf were kidnapped using fraudulent fictitious signed district court arrest warrants and Thomas A. Varlan and C. Clifford Shirley knew it.

There are two ways for a federal court to gain subject matter jurisdiction: (1) 28 U.S. Code § 1331 (federal question jurisdiction), and (2) 28 U.S. Code § 1332 (diversity jurisdiction). Both pertain to **civil actions**.

Stephen Louis Braga admitted there was no subject matter jurisdiction in the unauthorized appellate brief he filed for Movant in which he cited 28 U.S. Code § 1331 (federal question jurisdiction) as giving the court jurisdiction knowing it pertains to **civil actions** – not criminal.

The district court exceeded its alleged authority – 28 US Code § 132(a) – Creation and composition of district courts. All district courts are courts of record/common law courts, and 28 U.S. Code § 1331- Federal question – district

courts have original jurisdiction of all **civil actions**... and 18 U.S. Code § 3041 – Power of courts and magistrates and constitutional authority (Article III).

(Rosenstiel v. Rosenstiel, 278 F. Supp. 794 (S.D.N.Y. 1967))

GROUND EIGHT - Thomas A. Varlan's Good Faith Defense

Thomas A Varlan, trial judge, took it upon himself to include a good-faith defense in the jury instructions. Good faith is a uniform commercial code standard - UCC § 1-304. Obligation of Good Faith. A criminal standard would have been mens rea. Good faith is a defective jury instruction. Varlan intentionally gave the good faith instruction to ensure a guilty verdict and to create an invisible contract.

GROUND NINE - Prejudicial Statements

Thomas A. Varlan allowed Parker Still, FBI agent and witness, to brag to the jury about denying Movant due process. Still said, "...I think that's some of TV stuff where we serve people, put a warrant in their hands..." leading the jury to believe it's somehow okay. (Trial Transcript, Vol. I, P. 69, Line 13-15)

Cynthia F. Davidson, prosecutor, allowed FBI agent Parker Still to speculate in front of the grand jury about Heather-Ann:Tucci:Jarraf "planning military operations" to break Movant out of jail when there was no evidence introduced to show Mrs. Tucci:Jarraf was planning a special forces "operation jail break." (Grand Jury Transcript, P. 56-57, Line 25; 1-3) Heather-Ann:Tucci:Jarraf is not in the military. The appellate judges, Jeffrey Sutton, Deborah L. Cook, and Amul

Thaper (Sixth Circuit) repeated the “planning military operations” in their opinion to affirm the verdict with no evidence Mrs. Tucci:Jarraf was planning a military operation jail break.

Thomas A. Varlan, trial judge, allowed the prosecutors and witnesses to accuse Movant of robbery and theft in front of the jury when there was no robbery or theft charge.

Thomas A. Varlan (trial judge) allowed Cynthia F. Davidson and Anne-Marie Svolto (prosecutors) to include a jury instruction in which they instructed the jury to find fraud even if no one was defrauded – “It is not necessary that the government prove all of the details alleged concerning the precise nature and purpose of the scheme or that the material transmitted by wire, radio or television communications was itself false or fraudulent or that the alleged scheme actually succeeded in defrauding anyone or that the use of the wire, radio or television communications was intended as the specific or exclusive means of accomplishing the alleged fraud or that someone relied on the misrepresentation or false statement or that the defendant obtained money or property for his own benefit.”

(UNITED STATES’S REQUESTED JURY INSTRUCTIONS)

Thomas A. Varlan allowed Anne-Marie Svolto to tell the jury in her opening statement that Movant robbed a bank. There was no robbery charge. (Transcript Volume I, P. 58, Line 4-7, 12)

FBI agent Parker Still testified to the trial jury that Movant's motor home purchase was "similar to a bank robbery." (Transcript, Volume I, P. 25-26, Line 24-25, 1-2) Again, there was no robbery charge.

FBI agent Parker Still testified to the trial jury "...when an FBI gets a call that a bank is getting robbed..." Thomas A. Varlan allowed the prosecutors and their FBI witness to continue to talk about a bank robbery when there was no robbery charge. (Transcript Volume I, P. 57-58, Line 24-25; 1-3)

FBI agent Parker Still accused Movant, in front of the trial jury, of stealing a motor home. There was no charge of a stolen motor home. (Trial Transcript, Volume I, Pg. 63, line 20-25)

Thomas A. Varlan knew the prosecutors and FBI witness speculated in front of the grand jury about a military operation jail break in which no evidence was offered. (Grand Jury Transcript, P. 56-57, Line 25; 1-3) Appellate Judge Jeffrey Sutton repeated the "planning military operations" jail break in his opinion with not even a drop of evidence to support it. He knew Parker Still said he was speculating. (Appellate Opinion, P. 4, ¶ 2)

FBI agent Parker Still intentionally hinted to the trial jury that Movant may be involved in terrorist activity to inflame the jury. . He stated – "We don't know anything else about, you know what his ultimate intent with that. It's 45 feet. You know, you can imagine our – what, you know – the possibilities are unlimited."

No one from the FBI or US Attorney office conducted an investigation or contacted Movant to discuss his intentions regarding the motor home or anything else. Movant was not interviewed by the FBI or the US Attorney. Had they bothered to interview Movant they would have known Movant's intentions.

GROUND TEN - No Article III Standing

The plaintiff, United States of America, did not have Article III standing. They did not satisfy the standing doctrine's core requirement, as established in *Lujan v. Defenders of Wildlife* (90-1424), 504 U.S. 555 (1992), that they allege personal injury fairly traceable to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. The United States of America is a piece of paper and can't establish anything. Again, Sean O'Malley of the New York Federal Reserve Bank made it clear – "**there was no loss to the U.S. government**" (Trial Transcript Volume 4, P.18, Line 12-13)

There was no cognizable cause of action against Movant or Heather-Ann:Tucci:Jarraf. There was no plaintiff with standing, no sworn complaint, and no injury or loss. (*Charles v. Gore*, 248 Ill App. 3d 441, 618 N.E. 2d 554 (1st. Dist. 1993))

GROUND ELEVEN - Treaty Violation

C. Clifford Shirley, Jr. (magistrate), Thomas A. Varlan (trial judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), Anne-Marie Svolto,

Esquire (Assistant United States Attorney), Parker Still, Esquire (FBI special agent) and others each violated the International Covenant on Civil and Political Rights Treaty of which the United States of America is a signatory: **Article 1** recognizes the right of all peoples to self-determination. **Article 6** of the Covenant recognizes the individual's "inherent right to life" and requires it to be protected by law. **Article 9** recognizes the rights to liberty and security of the person. It prohibits arbitrary arrest and detention, requires any deprivation of liberty to be according to law. **Articles 9.3 and 9.4** impose procedural safeguards around arrest, requiring anyone arrested to be promptly informed of the charges against them, and to be brought promptly before a judge. **Article 11** prohibits the use of imprisonment as a punishment for breach of contract. **Article 14** recognizes and protects a right to justice and a fair trial. They violated each of these articles. Movant was compelled to make a plea of not guilty. Movant has not expressed free choice and his right to determine his fate and course of action since he landed in the unlawful vice grip of the organized criminal syndicate behind the conspiracy to deprive rights and deprivation of Movant's rights. Movant's right to life, liberty and the pursuit of happiness has been unlawfully taken through fake arrest warrants, denial of a probable cause hearing, denial of a detention/bail hearing, denial of an appeal, and other violations of due process of law. Movant did not

stand a chance of getting a fair trial because it was a major plot and conspiracy that involved the investigators, prosecutors, judges, clerk, and others.

GROUND TWELVE - Fraud upon the Court.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor) and Anne-Marie Svolto (prosecutor) committed fraud upon the court by stating Davidson and Svolto appeared as counsel for the corporate plaintiff (United States of America) while also representing The People as prosecutors.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor), and Anne-Marie Svolto (prosecutor) committed fraud upon the court when they failed to declare a mistrial or dismiss the case when the corporate United States of America plaintiff, its attorney, counsel or representative failed to appear.

The government and their witnesses knowingly made false claims and created and confirmed to the grand jury and trial jury false impressions that they knew was not true in violation of 31 USC § 3730 – False Claims. An example is saying Movant altered his social security account number by one digit.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor), and Anne-Marie Svolto (prosecutor) committed fraud upon the court by stating the plaintiff is United States of America, but the victim is USAA Bank. They knew the plaintiff did not have standing and therefore there was no jurisdiction. (“In this case, USAA is our victim.”-- Trial Transcript, Volume I, P. 24, Line 19-20)

GROUND THIRTEEN - Bona Fide Purchaser

Cynthia F. Davidson, prosecutor, admitted to the grand jury that Movant was a “bonafide purchaser.” She said, “**Because that was a, you know, a bona fide purchaser.**” (Grand Jury Transcript, Page 40, Line 11-15)

DEFINITION

Bona Fide Purchaser - One who acts without covin, fraud, or collusion. (Black’s Law Dictionary, 4th Edition, P. 224) The prosecutor knew Movant was not guilty of fraud, but she moved forward with the conspiracy.

In trial transcript volume II, page 38, lines 4-5 Cynthia F. Davidson states “During the theft **from** the defendant, Randall Keith Beane...” Cynthia F. Davidson knew Movant was the true victim of theft, and that he did nothing wrong, but she misused her position of trust and prosecuted him anyway.

GROUND FOURTEEN - Territorial Jurisdiction

The territorial jurisdiction of the United States is that which is out of the jurisdiction of any particular state. (18 U.S. Code § 7 – Territorial Jurisdiction of the United States defined).

GROUND FIFTEEN - The Frame Up

Movant and Heather-Ann:Tucci:Jarraf were framed for a fraud and money laundering crime they did not commit. The government manufactured the case.

The case should have been dismissed for witness, prosecutorial and judicial misconduct.

Movant and Heather-Ann:Tucci:Jarraf were targeted by the government. The outcome of the trial was predetermined. Because there was no evidence that Movant or Heather-Ann:Tucci:Jarraf committed fraud the prosecutors had to fabricate a fraud case. They lied to the grand jury that Movant altered his social security account number by one digit, and that he used a ‘fraudulent’ ‘fictitious’ account number to access his treasury direct depository account. This is not true. Movant used his exact social security account number. The prosecutors told the grand jury Movant accessed a “**fictitious**” (non-existent, imaginary, make-believe unreal) bank account while at the same time saying Movant took \$31,000,494.97 from said fictitious account. It can’t be both.

The “fictitious account” lie continued after conviction. The government and USAA bank used that same lie in David True Brown’s (USAA Bank Investigator) petition of third party interest to steal the RV motorhome, owned by the Randall Keith Beane Factualized Trust, which was unlawfully seized July 11, 2017 without a warrant. USAA Bank was not the plaintiff. USAA Bank did not make a complaint against Movant or file an affidavit outlining the injury they allegedly sustained as a result of Movant. USAA Bank just showed up after the conviction and made a claim against private Trust property without ever having to provide any

evidence and that was okay with Thomas A. Varlan and the government because they were all part of the conspiracy and plot against Movant.

To get an indictment and conviction the prosecutors deceived the grand jury and trial jury about the definition and meaning of key words: fraud, interstate commerce, and money laundering.

GROUND SIXTEEN - Trespass of the Law

The district court had a responsibility to review the alleged sworn complaint/sworn affidavit and the arrest warrants. The judge accepted a South Carolina arrest warrant they knew was disposed of two years earlier and outside the territory of Tennessee. The judge knew the Tennessee district court arrest warrants were not signed by the clerk as required by 18a U.S. Code Rule 9 (Arrest Warrant on Indictment). The judge accepted these fraudulent arrest warrants because he was part of the plot and conspiracy to deprive Movant and Heather-Ann:Tucci:Jarraf of their rights.

Thomas A. Varlan, trial judge, did not exercise his official judgment and duties in an unbiased manner and this led to him trespassing the law and exercising power and authority he did not lawfully have. Thomas A. Varlan was motivated by a \$511,289.02 criminal monetary penalty he would charge Movant once Movant was convicted. Thomas A. Varlan demanded Movant pay the \$511,289.02 immediately and in a lump sum. In the judgment Thomas A. Varlan said "**Having**

assessed the defendant's ability to pay." Where did he see Movant had

\$511,289.02? There could only be two sources from which Thomas A. Varlan was able to see \$511,289.02 – Movant's treasury direct depository account which is at the center of this case, or the \$31,000,494.97 that was in Movant's personal and private USAA Bank account that disappeared without a warrant.

Mr. Beane had the right to privacy and confidentiality free from unwarranted invasion. USAA Bank was obligated to adhere to the FDIC's regulations regarding privacy of consumer financial information -- 12 CFR § 332.10. The government was obligated to uphold the Privacy Act of 1974 and Tennessee Code Annotated (T.C.A). § 10-7-515 which prohibits placing social security numbers on documents. But they all intentionally violated Movant's privacy without a warrant and put Movant's social security account number on the trial transcripts unredacted to be able to later access Movant's account once Movant was convicted.

Thomas A. Varlan's demand for \$511,289.02 from Movant makes it clear Thomas A. Varlan knew the money was lawfully Movant's. Thomas A. Varlan certainly did not order Movant to give him \$511,289.02 that he believed belonged to someone else.

Thomas A. Varlan knew the whole case was a government manufactured lie. He knew Movant and Heather-Ann:Tucci:Jarraf did not commit a crime. He

allowed the unlawful prosecution to move forward for monetary gain and unjust enrichment.

The orders/judgments were based on a void order/judgment. (Austin v. Smith, 312 F.2d 337, 343 (1962); English v. English, 72 Ill. App. 3d 736, 393 N.E.2d 18 (1st Dist. 1979))

GROUND SEVENTEEN - The UNITED STATES OF AMERICA Corporation

Plaintiff, United States of America, is a Delaware corporation. (File #2193946 – United States of America, Inc. and File #4525682 – The United States of America)

In the sentencing proceedings, Thomas A. Varlan stated the “United States” or the government.” He distinguished between the two because they are not one and the same. Varlan clearly was speaking of the United States corporation defined in 28 U.S.C. § 3002(15) -- “United States” means – (A) a Federal corporation. It was not the government the prosecutors represented. It was a corporation impersonating the government. (Sentencing Proceedings Before Thomas A. Varlan, Tuesday, July 24, 2018, Document 240, P. 10, Line 12)

GROUND EIGHTEEN - No Felonious Conduct

The indictment and arrest warrant charging documents do not mention the word “felony” or “felonious” which is required for an indictment for a felony charge. Without felonious conduct an offense is a non-indictable tort. Without a

formal and sufficient indictment, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime. (Honomichl v. State, 333 N.W.2d 797, 798 (S.D. 1983).

DEFINITION

“FELONIOUSLY, pleadings. This is a technical word which must be introduced into every indictment for a felony, charging the offence to have been committed feloniously; no other word, nor any circumlocution, will supply its place. (BOUVIER -- A Law Dictionary Adapted to the Constitution and Laws of The United States of America Union by John Bouvier, Revised Sixth Edition, 1856, p. 764)

GROUND NINETEEN - Denial of Exculpatory Evidence

Cynthia F. Davidson (prosecutor) and Anne-Marie Svolto (prosecutor) violated their constitutional obligations by not turning over exculpatory Brady material to include the emails between Parker Still (FBI) and True Brown (USAA Bank Investigator and former FBI agent), the FBI Sentinel file, the disposed of South Carolina misdemeanor traffic bench warrant (bench warrant was not signed by a judge/bench – it was signed by the Ridgeland, SC clerk) to Movant. The jury was denied the right to see or hear the exculpatory evidence.

GROUND TWENTY - Counts 1-5 plus two more

Cynthia F. Davidson (prosecutor) presented FBI “witness” testimony for five (5) counts to the grand jury for review and consideration. The five counts included bank wire, bank fraud, and money laundering. The jury foreperson signed an indictment that same day with seven (7) counts. There was no witness testimony for the additional two counts. There is no transcript showing additional witness testimony was presented to the grand jury. As part of the conspiracy they just padded the indictment.

GROUND TWENTY-ONE - Who is the plaintiff?

Movant was denied the true name of the Plaintiff as required by the Supreme Court - “Complaint must identify at least one Plaintiff by true name; otherwise no action has been commenced.” Roe vs. New York, (1970, SD NY) 49 FRD 279, 14 FR Serv 2d 437, 8 ALR Fed 670.

GROUND TWENTY-TWO - Non-constitutional “laws” or “codes” do not apply to the American people

The agreement between the U.S. Speaker of the House, the Office of Law Revision Counsel (OLRC), and the judiciary committee is a private agreement to create and edit non-constitutional “laws” or “codes” that have absolutely nothing to do with the American people or the constitutional responsibilities of congress under Article I. There is no allowance for the creation of non-constitutional laws, or codes, in the constitution.

MEMORANDUM OF LAW

I. The Nature of Subject Matter Jurisdiction.

The jurisdiction of a court over the subject matter has been said to be essential, necessary, indispensable and an elementary prerequisite to the exercise of judicial power. 21 C.J.S., "Courts," § 18, p. 25. A court cannot proceed with a trial or make a judgment without such jurisdiction existing.

It is elementary that the jurisdiction of the court over the subject matter of the action is the most critical aspect of the court's authority to act. Without it the court lacks any power to proceed; therefore, a defense based upon this lack cannot be waived and may be asserted at any time. *Matter of Green*, 313 S.E.2d 193 (N.C.App. 1984).

Subject matter jurisdiction cannot be conferred by waiver or consent, and may be raised at any time. *Rodriguez v. State*, 441 So. 2d 1129 (Fla.App. 1983). The subject matter jurisdiction of a criminal case is related to the cause of action in general, and more specifically to the alleged crime or offense which creates the action.

The subject matter of a criminal offense is the crime itself. Subject matter in its broadest sense means the cause; the object; the thing in dispute. *Stillwell v. Markham*, 10 P.2d 15, 16 135 Kan. 206 (1932)

An indictment or complaint in a criminal case is the main means by which a court obtains subject matter jurisdiction, and is “the jurisdictional instrument upon which the accused stands trial.” *State v. Chatman*, 671 P.2d 531, 538 (Kan. 1983). The indictment or complaint is the foundation of the jurisdiction of the magistrate or court. Thus if these **charging instruments are invalid**, there is a lack of subject matter jurisdiction.

Without a formal and sufficient indictment or information, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime. *Homomichi v. State*, 333 N.W.2d 797, 798 (S.D.1983).

A formal accusation is essential for every trial of a crime. Without it the court acquires no jurisdiction to proceed, even with the consent of the parties, and where the indictment or information is invalid the court is without jurisdiction. *Ex parte Carlson*, 186 N.W. 722, 725, 176 Wis. 538 (1922).

Without a valid complaint/indictment any judgment or sentence rendered is “void ab initio.” *Ralph v. Police Court of El Cerrito*, 190 P.2d 632, 634, 84 Cal. App.2d 257 (1948).

Jurisdiction to try and punish for a crime cannot be acquired by the mere assertion of it, or invoked otherwise than in the mode prescribed by law, and if it is not so acquired or invoked any judgment is a nullity. 22 C.J.S., “Criminal Law,” § 167, p. 202.

The charging instrument must not only be in the particular mode or form prescribed by the constitution and statute to be valid, but it also must contain reference to **valid laws**. Without a valid law, the charging instrument is insufficient and no subject matter jurisdiction exists for the matter to be tried.

Where an information/indictment charges no crime, the court lacks jurisdiction to try the accused. *People v. Hardiman*, 347 N.W.2d 460, 462, 132 Mich.App. 382 (1984).

Whether or not the complaint/indictment charges an offense is a jurisdictional matter. *Ex parte Carlton*, 186 N.W. 722, 725, 176 Wis. 538 (1922).

An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action.

“Subject matter jurisdiction is the thing in controversy.” *Holmes v. Mason*, 115 N.W. 70, 80 Neb. 454, citing *Black’s Law Dictionary*. **Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does not exist or does not constitutionally exist, or where the law is invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.**

If a criminal statute is unconstitutional, the court lacks subject matter jurisdiction and cannot proceed to try the case. 22 C.J.S. “Criminal Law,” § 157, p. 189; citing *People v. Katrinak*, 185 Cal. Rptr. 869, 136 Cal.App.3d 145 (1982).

Where the offense charged does not exist, the trial court lacks jurisdiction. State v. Christensen, 329 N.W.2d 382, 383, 110 Wis.2d 538 (1983).

Not all statutes create a criminal offense. Thus where a man was charged with “a statute which does not create a crime,” such person was never legally charged with any crime or lawfully convicted because the trial court did not have “jurisdiction of the subject matter,” State ex rel. Hansen v. Rigg, 258 Minn. 388, 104 N.W.2d 553 (1960). There must be a valid law in order for subject matter to exist.

In a case where a man was convicted of violating certain sections of some laws, he later claimed that the laws were unconstitutional which deprived the county court of jurisdiction to try him for those offenses. The Supreme Court of Oregon held:

If these sections are unconstitutional, the law is void and an offense created by them is not a crime and a conviction under them cannot be a legal cause of imprisonment, for no court can acquire jurisdiction to try a person for acts which are made criminal only by an unconstitutional law. Kelly v. Meyers, 263 Pac. 903, 905 (Ore. 1928).

Without a valid law there can be no crime charged under that law, and where there is no crime or offense there is no controversy or cause of action, and without a cause of action there can be no subject matter jurisdiction to try a person accused

of violating said law. The court then has no power or right to hear and decide a particular case involving such invalid or nonexistent laws.

These authorities and others make it clear that if there are no valid laws charged against a person, there is nothing that can be deemed a crime, and without a crime there is no subject matter jurisdiction. Further, invalid or unlawful laws make the complaint/indictment fatally defective and insufficient, and without a valid complaint/indictment there is a lack of subject matter jurisdiction.

Movant asserts that the laws charged against him are not valid, or do not constitutionally exist as they do not conform to certain constitutional prerequisites, and thus are no laws at all, which prevents subject matter jurisdiction to the District Court for the Eastern District of Tennessee.

The indictment in question alleges that Movant has committed several crimes by the violation of certain laws which are listed in said indictment:

18 U.S. Code § 1343 – Fraud by wire, radio, or television

18 U.S. Code § 1344 – Bank Fraud

18 U.S. Code § 1956 – Laundering of monetary instruments

18 U.S. Code § 1957 – Engaging in monetary transactions

in property derived from specified
unlawful activity

Movant has been informed that these laws or statutes used in the indictment against Movant are located in and derived from the U.S. Code. The U.S. Code was written by the judiciary committee, the Office of Law Revision Counsel (OLRC), and the Speaker of the House. This is not an authorized source. The Constitution does not authorize the judiciary committee, the OLRC and the Speaker to create the U.S. Code or U.S. law. Over 70% of the legislators in this nation use Mason's Manual (<https://www.ncsl.org/research/about-state-legislatures/2010-masons-manual.aspx>) and therefore agree that "A public body cannot delegate its powers, duties or responsibilities to any other person or groups, including a committee of its own members." (Masons Manual, 2010, Sec. 51, p. 46) Also, "A legislative body can ratify only such actions of its officers, committees or delegates as it had the right to authorize in advance. It cannot ratify or make valid anything done in violation of the constitution." (Mason's Manual, 2010, Sec. 443.2, p. 294) And, "No motion or measure is in order that conflicts with the constitution of a state or the U.S. Constitution or with treaties of the United States, and if such a motion or measure be adopted, even by a unanimous vote, it is null and void." (Mason's Manual, 2010, Sec. 517.1, p. 353)

II. What is the purpose of the enacting clause?

The purpose of an enacting clause is to establish it as an act of congress and to afford evidence of its legislative statutory nature and to prevent fraud. (State v.

Patterson, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statutes," § 65, p. 104; Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967).

The enacting clause is to show the authority by which the bill is enacted into law; to show that the act comes from a place pointed out by the Constitution as the source of legislation. Ferrill v. Keel, 151 S.W. 269, 272, 105 Ark. 380 (1912).

To fulfill the purpose of identifying the lawmaking authority of a law, it has been repeatedly declared by the courts of this land that an enacting clause is to appear on the face of every law which the people are expected to follow and obey.

The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to identify it as an act of legislation by expressing **on its face the authority behind the act**. (73 Am. Jur.2d, "Statutes," § 93, p. 319, 320; Preckel v. Byrne, 243 N.W. 823, 826 62 N.D. 356 (1932).

For an enacting clause to appear on the face of a law, it must be recorded or published with the law so that the public can readily identify the authority for that particular law which they are expected to follow. The "statutes" used in the indictment against Movant have no enacting clauses. They thus cannot be identified as acts of legislation of congress pursuant to its lawmaking authority under Article I of the Constitution, since a law is mainly identified as a true and Constitutional law by way of its enacting clause. The Supreme Court of Georgia

asserted that a statute must have an enacting clause, even though their state constitution had no provision for the measure. The Court stated that an enacting clause establishes a law or statute as being a true and authentic law: The enacting clause is that portion of a statute which gives it jurisdictional identity and constitutional authenticity. *Joiner v. State*, 155 S.E.2d 8, 10 (Ga. 1967).

The failure of a law to display on its face an enacting clause deprives it of essential legality, and renders a statute which omits such clause as “a nullity and of no force of law.” *Joiner v. State*, *supra*. The codes/statutes cited in the indictment have no jurisdictional identity and are not authentic laws under the Constitution.

The Court of Appeals of Kentucky held that the constitutional provision requiring an enacting clause is a basic concept which has a direct affect upon the validity of a law. The Court, in dealing with a law that had contained no enacting clause, stated:

The alleged act or law in question is unnamed: it **shows no sign of authority**; it carries with it **no evidence** that the General Assembly or any other lawmaking power is responsible or answerable for it. By an enacting clause, the makers of the Constitution intended that the General Assembly should make its impress or seal, as it were, upon each enactment for the sake of identity, and to assume and show responsibility. While the Constitution makes this a necessity, it did not originate it. The custom is in use practically everywhere, and is as old as

parliamentary government, as old as king's decrees, and even they borrowed it.

The decrees of Cyrus, King of Persia, which Holy Writ records were not the first to be prefaced with a **statement of authority**. The law was delivered to Moses in the name of the Great I Am, and the prologue to the Great Commandments is no less majestic and impelling. But, whether these edicts and commands be promulgated by the Supreme Ruler or by petty kings, or by the sovereign people themselves, they have always begun with some such form **as evidence of power and authority**. Commonwealth v. Illinois Cent. R. Co. 170 S.W. 171, 172, 175. 160 Ky. 745 (1914)

The "laws" used against Movant show no sign of authority on their face. They carry with them no evidence that congress, pursuant to Article I of the Constitution, is responsible for these "laws." Without an enacting clause the laws referenced to in the indictment have no official evidence that they are from an authority which anyone is subject to or required to obey.

When the question of the "objects intended to be secured by the enacting clause provision" was before the Supreme Court of Minnesota, the Court held that such a clause was necessary to show the people who are to obey the law, the authority for their obedience. It was revealed that historically this was a main use for an enacting clause, and thus its use is a fundamental concept of law. The Court stated:

All written laws, in all times and in all countries, whether in the form of decrees issued by absolute monarchs, or statutes enacted by king and council, or by a representative body have, as a rule, **expressed upon their face the authority by which they were promulgated or enacted**. The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the **enacting authority**. If such an enacting clause is a mere matter of form, a relic of antiquity, serving no useful purpose, why should the constitutions of so many of our states require that all laws **must have** an enacting clause, and prescribe its form. If an enacting clause is useful and important, if it is desirable that laws **shall bear upon their face the authority by which they are enacted, so that the people who are to obey them need not search legislative and other records to ascertain the authority**, then it is not beneath the dignity of the framers of a constitution, or unworthy of such an instrument, to prescribe a uniform style for such enacting clause.

The words of the constitution, that the style of all laws of this state shall be, "Be it enacted by the legislature of the state of Minnesota," imply that **all laws** must be so expressed or declared, to the end that they may **express upon their face the authority by which they were enacted**; and, if they do not so declare, **they are not laws of this state**. (Sjoberg v. Security Savings & Loan Assn, 73 Minn. 203, 212-214 (1898).

In speaking on the necessity and purpose that each law be prefaced with an enacting clause, the Supreme Court of Tennessee quoted the first portion of the Sjoberg case cited above and stated:

The purpose of provisions of this character is that **all statutes** may **bear upon their faces a declaration of sovereign authority** by which they are enacted and declared to be the law, and to promote and preserve uniformity in legislation. Such clauses also import a command of obedience and clothe the statute with a certain dignity, believed in all times to command respect and aid in the enforcement of laws. State v. Burrow, 104 S.W. 526, 529 119 Tenn. 376 (1907).

The use of an enacting clause does not merely serve as a “flag” under which bills run the course through the legislative machinery. (Vaughn Ragsdale Co. v. State Bd. Of Eq., 96 P.2d 420, 424 (Mont. 1939). The enacting clause of a law goes to its substance, and is not merely procedural. Morgan v. Murray, 328 P.2d 644, 654 (Mont. 1958).

Any purported statute which has no enacting clause **on its face** is not legally binding and obligatory upon the people, as it is not constitutionally a law at all. The Supreme Court of Michigan, in citing numerous authorities, said that an enacting clause was a requisite to a valid law since the enacting provision was mandatory:

It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law. *People v. Dettenthaler*, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing *Swann v. Buck*, 40 Miss. 270.

The laws in the “US Code” do not show on their face the authority by which they are adopted and promulgated. There is nothing on their face which declares they should be law, or that they are of the proper legislative authority.

These and other authorities all hold that the enacting clause of a law is to be “on its face.” It must appear directly above the content or body of the law. To be on the face of the law does not and cannot mean that the enacting clause can be buried away in some other volume or some other book or records.

Face. The surface of anything, especially the front, upper, or outer part or surface. That which particularly offers itself to the view of a spectator. That which is shown to be the language employed, without any explanation, modification, or addition from extrinsic facts or evidence. *Black’s Law Dictionary*, 5th Edition, p. 530.

The enacting clause must be intrinsic to the law, and not extrinsic to it, that is, it cannot be hidden away in other records or books. Thus the enacting clause is

regarded as part of the law, and has to appear directly with the law, on its face, so that one charged with said law knows the authority by which it exists.

III. Laws Must be Published and Recorded with Enacting Clauses

1 U.S. Code § 101 (Enacting Clause) says “The enacting clause **of all Acts of Congress** shall be in the following form: “Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.” This means to be a law it must say “Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.” If this clause does not appear before a supposed law then it is not a law of the United States.

Since it has been repeatedly held that an enacting clause must appear “on the face” of a law, such a requirement affects the printing and publishing of laws.

It is obvious, then, that the enacting clause must be readily visible on the face of a statute in the common mode in which it is published so that citizens don’t have to search through the legislative journals or other records and books to see the kind of clause used, or if any exists at all. Thus a law in a statute book without an enacting clause is not a valid publication of law. In regards to the validity of a law that was found in their statute books with a defective enacting clause, the Supreme Court of Nevada held:

Our constitution expressly provided that the enacting clause of every law shall be, “The people of the state of Nevada, represented in senate and assembly, do enact as follows.” This language is susceptible of but one interpretation. There is no doubtful meaning as to the intention. It is, in our judgment, an imperative mandate of the people, in their sovereign capacity, to the legislature, requiring that **all laws** to be **binding upon them**, shall, **upon their face** express the authority by which they were enacted; and, since this act comes to us without such authority appearing upon its face, it is not a law.” State of Nevada v. Rogers, 10 Nev. 120, 261 (1875); approved in Caine v. Robbins, 131 P.2d 516, 518, 61 Nev. 416 (1942) Kefauver v. Spurling, 290 S.W. 14, 15 (Tenn. 1926).

The preceding examples and declarations on the use and purpose of an enacting clause shows beyond doubt that nothing can be called or regarded as a law which is published without an enacting clause on its face. Again, All laws must bear on their face a specific enacting style according to 1 U.S. Code § 101. Enacting clause – “The enacting clause of all Acts of Congress shall be in the following form: “Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.” All laws must be published with this clause in order to be valid laws.

IV. The U.S. Codes are of an Unknown and Uncertain Authority

The “codes” are not only absent enacting clauses, but are surrounded by other issues and facts which make their authority unknown, uncertain, and questionable.

The codes do not make it clear by what authority they exist. The codes have no enacting authority on their face. In fact, there is not a hint that congress had anything at all to do with these so-called codes. The codes are just words which carry no authority of any kind on their face.

The people’s representatives have unlawfully given their Article I responsibilities to others. The Congress no longer declares war. They gave this job to the executive branch. The Congress does not coin money and regulate the value thereof. They gave this job to the private Federal Reserve corporation. The Congress does not lay and collect taxes. They gave this job to the private IRS corporation. The Congress no longer makes laws to carry out Article I. They gave this job to the Office of Law Revision Counsel, judiciary committee, and the Speaker of the House. The Congress is guilty of treason against the Constitution and the American people. It is clear the US Speaker of the House, his/her Office of Law Revision Counsel, and the judiciary committee wrote the US Code – NOT the people’s representatives – the Congress as a whole.

2 U.S. Code Chapter 9A - OFFICE OF LAW REVISION COUNSEL:

“There is established in the House of Representatives an office to be known as the Office of the Law Revision Counsel, referred to hereinafter in this chapter as the “Office”.”

2 U.S. Code § 285b – Functions – The functions of the Office shall be as follows:

(1) To prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent

laws of the United States...”

(2) “To examine periodically all of the public laws enacted by the Congress and submit to the Committee on the Judiciary recommendations for the repeal,..”

(3) “To **prepare and publish** periodically a new edition of **the United States Code...**”

(4) To classify newly enacted provisions of law to their proper positions in the Code where the titles involved have **not yet** been **enacted into positive law**.

2 U.S. Code § 285c - Law Revision Counsel

The management, supervision, and administration of the Office are vested in the Law Revision Counsel...**shall serve at the pleasure of the Speaker**.

2 U.S. Code § 285e – Compensation

The Law Revision Counsel shall be paid at a per annum gross rate **determined by the Speaker** not to exceed the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker...

The Office of Law Revision Counsel (OLRC) does not say the codes are the official laws. They say the code is evidence of the law – 1 US Code § 204 and 1 U.S. Code § 112 . There are confusing and ambiguous statements made by the OLRC as to the nature and authority of the codes. It is not at all made certain that they are laws pursuant to the Constitution. That which is uncertain cannot be accepted as true or valid in law.

Uncertain things are held for nothing. Maxim of Law. The law requires, not conjecture, but certainty. Coffin v. Ogden, 85 U.S. 120, 124

Where the law is uncertain, there is no law. Bouvier's Law Dictionary, vol. 2, "Maxims," 1880 edition

The purported codes do not make it clear by what authority they exist. The statutes therein have no enacting authority on their face. There is no indication Congress had anything at all to do with these codes. They clearly admit in 2 U.S. Code § 285b (3) that **the United States Code is prepared and published by the Office of Law Revision Counsel**. No one elected the Office of Law Revision Counsel for anything. The OLRC was created by statute. They are not

creatures of the Constitution. Thus the codes used against Movant and Heather-Ann:Tucci:Jarraf are idle words which carry no authority on their face.

More than seventy percent (70%) of the nation's legislators agree "The **enacting clause**, which also may be called the enacting authority or enacting style, **follows immediately after a bill's preamble or title and precedes the body of the bill**. It is a statement of the words declaring enactment by the proper legislative authority which every bill must contain and which are **requisite to the validity of a law**." (Mason's Manual, Sec. 729, Pg. 503)

<https://www.ncsl.org/research/about-state-legislatures/2010-masons-manual.aspx>

V) Established Rules of Constitutional Construction

Judges are not to consider the political or economic impact that might ensue from upholding the Constitution as written. They are to uphold it no matter what may result, as that ancient maxim of law states: "Though the heavens may fall, let justice be done."

Based upon the above, Movant moves that the conviction and sentence be set-aside and vacated for lack of subject matter jurisdiction and for lack of personal jurisdiction.

A court lacking jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking. United States v. Siviglia, 686 Fed.2d 83222, 835 (1981), cases cited.

The failure to uphold the clear and plain provisions of the Constitution cannot be regarded as mere error in judgment, but deliberate USURPATION.

“Usurpation is defined as unauthorized arbitrary assumption and exercise of power.” State ex rel. Danielson v. Village of Mound, 234 Minn. 531, 543, 48 N.W.2d 855, 863 (1951). While error is only voidable, such usurpation is void.

The boundary between an error in judgment and the usurpation of judicial power is this: The former is reversible by an appellate court and is, therefore, only voidable, which the latter is a nullity. State v. Mandehr, 209 N.W. 750, 752 (Minn. 1926)

To take jurisdiction where it clearly does not exist is usurpation, and no one is bound to follow acts of usurpation, and in fact it is a duty of citizens to disregard and disobey them since they are void and unenforceable.

No authority need be cited for the proposition that, when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable. Hooker v. Boles, 346 Fed.2d 285, 286 (1965).

To assume jurisdiction in this case would result in TREASON. Chief Justice John Marshall once stated:

We judges 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, 6 Wheat. (19 U.S.) 264, 404 (1821).

The judge of this court took an oath to uphold and support the Constitution and his blatant disregard of that obligation and allegiance can only result in an act of treason.

If this court departs from the clear meaning of the Constitution, it will be regarded as a blatant act of TYRANNY. Any exercise of power which is done without the support of law or beyond what the law allows is tyranny.

It has been said, with much truth, “Where the law ends, tyranny begins.” Merritt v. Welsh, 104 U.S. 694, 702 (1881).

By the concept of “constitutional avoidance,” it is never presumed that the congress intended to act contrary to the Constitution or Bill of Rights, or that it meant to exercise or usurp any unconstitutional authority even though it is so plainly clear congress did intend to usurp the Constitution and Bill of Rights. The Constitution assigns eighteen (18) tasks to congress. That’s it! Congress continues to lie to the American people and pretend they are operating within the confines of the Constitution when they intentionally and knowingly trespass the law at every opportunity. You cannot adopt the interpretation that avoids constitutional conflict. Congress acted knowingly and intentionally when they allowed a committee, the Speaker and the Office of Law Revision Counsel to create the non-

constitutional U.S. code and trick the American people into believing it applies to them.

Through the creation of the Office of Law Revision Counsel, non-constitutional grounds and issues have been intentionally created to circumvent the application of constitutional law.

The legal entities, administrative agencies or bodies were created by statute and have no relationship to the people. The relationship to an entity determines the authority for the “law” it might make.

Creatures of the Constitution, like members of congress, do not have power to question the Constitution’s authority or to hold inoperative any section or provision of it. Members of congress were not tasked with creating non-constitutional legal entities or corporate bodies that exist outside the restrictions and limits of the Constitution. Any non-constitutional law stemming from Constitutional creatures going outside or around the constitution is not a ticket for judges to make decisions on some ground other than a constitutional one. There is no issue that can be decided without reference to the Constitution as it relates to the American people.

A law is constitutional if it conforms to the written constitution of this nation; it is unconstitutional if it is repugnant to that constitution and this is based

upon the presumption that the law was enacted and passed by the constitutional body which is authorized to do so – a creature of the Constitution.

The Office of Law Revision Counsel, who prepared and published the United States Code, is not a “creature” of the Constitution. They are a creation of Congress and thus are creatures of statute. The “laws” they write are not subject to any Constitution. Thus any conflict an American might have with their laws is not subject to a constitutional attack. As non-constitutional entities there is no constitutional issue that can be raised.

The laws Americans are being charged with violating are written by commissions, committees, offices, counsels, and are held out to the public as being laws of the nation. But we are not required to follow these laws as they do not come from a constitutional source. Congress created these legal entities to write laws to make it appear they are laws of Congress. Congress has woven a treasonous web of deceit.

To create an issue for trial the government concocted a charge and then forced Movant to have to deny said charge. In a criminal matter the issue is that a law has or has not been violated. But if there is no valid law, or the accused is not subject to the law in question, no issue can legally exist as the basis for the point of contention does not legally exist.

The corrupt legal system arbitrarily formed codes and statute revisions. Complaints and indictments cite laws from these codes which contain no enacting clauses. Any law which fails to have an enacting clause is not a law of the legislative body to which we are constitutionally subject. The laws from the U.S. Code are from another legal entity, that being some commission, committee, or office.

Since there are no valid laws on the complaint/indictment, there legally is no issue before the court. But the court system creates an issue by asking the accused how he pleads to the charges. The plea causes an issue to exist because it creates a controversy. The controversy relates to what is on the complaint/indictment because the plea acknowledges that it is a genuine document. That is the way the plea is interpreted by the criminals running the system, but that is not what the plea means. The plea is forced – coerced – and the result of trickery and deception. It is not an agreement to charges or the existence of a controversy.

It is essential to a valid trial that in some way there should be an issue between the state and the accused, and without a plea, there could be no issue this is why deception, trickery, and coercion are used. Criminals within our system say that if you make a plea of “not guilty” to a charge of violating one of those OLRC’s US codes you have admitted or acknowledge that the law used in the indictment is genuine, and that it has now been established that there exists an

issue which can be tried. Without a doubt, no such admission has been made and no such law exists within the framework of our Constitution. These are non-constitutional laws created by the OLRC, a committee, and the Speaker – all of whom should be charged and tried for treason. There is clearly a lack of subject matter jurisdiction because the laws used have no enacting clauses and are thus void. It is an issue of authority for a law to exist as a law of the Congress.

When one is charged with a violation of some “Code” of some committee, the court proceedings are in equity since the conflict is not with a constitutional source of law, or with a common law crime.

DEFINITION:

EQUITY. In its broadest and most general signification, this term denotes the spirit and the habit of fairness, justness, and right dealing which would regulate the intercourse of men with men, —the rule of doing to all others as we desire them to do to us; or, as it is expressed by Justinian, "to live honestly, to harm nobody, to render to every man his due."

In a restricted sense, the word denotes equal and impartial justice as between two persons whose rights or claims are 'in conflict; justice, that is, as ascertained by natural reason or ethical insight, but independent of the formulated body of law.

In a still more restricted sense, it is a system of jurisprudence, or branch of remedial justice, administered by certain tribunals, distinct from the common-law courts and empowered to decree "equity" in the sense last above given.

Equity also signifies an equitable right, a right enforceable in a court of equity; hence, a bill of complaint which did not show that the plaintiff had a right entitling him to relief was said to be demurrable for want of equity; and certain rights now recognized in all the courts are still known as "equities..." (Black's Law Dictionary, Fourth Edition, p. 634-35)

A crime exists when a law exists which prohibits or commands an action. If there is no law, there can be no crime, and if there is no crime, there can be no subject matter jurisdiction of the court to hear a matter. A non-constitutional law has the same effect upon a complaint or indictment as does an unconstitutional law or a non-existent law. It renders the charging instrument void.

A non-constitutional law is not a law to which we are subject, so doing what it prohibits cannot constitute a crime. Thus if Ford Motor Company passes a law requiring all persons to show up for work by 6:00 am or they will lose their jobs, it is a non-constitutional law. Unless one is an employee of Ford Motor Company, he/she is not subject to that law and so cannot be charged for violating it. Because it is a non-constitutional law it has no force and effect as a law over you and the court lacks subject matter jurisdiction to try the matter.

Ford Motor Company can pass all sorts of rules, regulations and laws, but none of them can ever be declared unconstitutional. But they are not valid laws which we are subject to, for we have no legal relationship to this entity. Likewise, we have no legal relationship to the Office of Law Revision Counsel (OLRC) which prepared and published the United States Codes.

The codes were nefariously created to bring laws into existence that is not limited to the confines of the constitution or the common law.

It has been repeatedly said that the codes were done for the sake of “convenience.” It also has been said that it would not be feasible to have the enacting clause precede every law within a comprehensive code. But nothing is ever said about the constitutionality of such a measure. If those in government are free to do things based solely upon what they deem to be more practicable or convenient, then we truly live under an arbitrary and despotic government.

The Constitution was written to prescribe certain ways of doing things, which means there will no doubt be other means of doing the same thing which are easier and more convenient. Government naturally tends to do that which is easier and more convenient for their own sake. Whenever they do so they always transcend constitutional limitations and trespass on individual rights, and all of history attests that this is the result of arbitrary action.

The enacting clause acts as a sign or seal of constitutional authority of law. All things that bear the seal are recognized as existing by constitutional authority. The government has presented to the public a collection of codes claiming they are from the Congress, but the laws in the US code do not have the seal of authority upon them. They do not have the official enacting clause upon them to indicate they are laws from congress. They thus are laws which no one needs to respect or obey.

TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.

There is no statute of limitations for constitutional violations.

Randall-Keith:Beane, Movant, recently learned of the major conspiracy violating 18 U.S. Code § 241. Conspiracy against rights, and 18 U.S. Code § 242. Deprivation of rights under color of law and other Constitutional violations against Movant and Heather-Ann:Tucci:Jarraf by the government and others. This information was learned through the attached complaint received March 2021. The government acknowledged some of their wrong-doing and unlawful conduct following receipt of the March 11, 2021 complaint when they released Heather-Ann:Tucci:Jarraf to home confinement.

Movant has been false imprisoned and denied access to research and information by the government since July 11, 2017 to include denial of a detention

hearing that would have allowed Movant to exercise due diligence and discover sooner the plot and conspiracy against Movant in which the government used a 2015 disposed of South Carolina misdemeanor traffic warrant and fictitious signed district court arrest warrants to launch their manufactured case against Movant. Movant was prevented from making a motion as a result of governmental actions which blocked Movant from accessing information that would have revealed the government's criminal and unconstitutional conduct including the government's failure to provide Movant with exculpatory Brady material before, during, or after the trial.

The government further blocked Movant from discovering their conspiracy plot against him and Heather-Ann:Tucci:Jarraf by denying Movant his right to prepare for and file an appeal. The co-conspirators in the government and the appellate court appointed traitors to file an appellate brief for Movant and Heather-Ann:Tucci:Jarraf without Movant or Mrs. Tucci:Jarraf's consent, approval or participation. The government impediment has not been removed, but it is less successful. S. Robinson and others filed a complaint in March 2021 with supporting documents revealing the constitutional violations and criminality of the government and others. The violations include operating outside their territorial jurisdiction, knowing use of the 2015 disposed of South Carolina misdemeanor

traffic related bench warrant to arrest Movant in Tennessee July 11, 2017, and creation of district court issued arrest warrants signed by a fictitious deputy clerk.

The government used trickery and deceit to hide the true facts of the case. The government used smoke and mirrors to create the illusion of a crime knowing there was no crime. The government manufactured evidence to support their illusion denying Movant every opportunity to exercise due diligence to discover the crimes committed by the government. The facts supporting Movant's claims made in this motion could not have been discovered before March 2021 as Movant was blocked from all files and records and it was through the filing of the March 2021 complaint that Movant learned of the Constitutional violations and crimes committed against Movant and Heather-Ann:Tucci:Jarraf by the government and others.

Movant did not know a 2015 disposed of South Carolina arrest warrant was used to arrest Movant July 11, 2017. The prosecutors hid this fraud from Movant.

Movant did not know the arrest warrant issued by the district court for the Eastern District of Tennessee was signed by a fictitious deputy clerk and not in legal form. The prosecutors hid this fraud from Movant and denied Movant the time and resources needed and required for Movant to make said discovery.

On or about March 2021 Movant received a copy of the complaint filed by S. Robinson and others which outlines the conspiracy and fraud orchestrated by the

seeming organized crime syndicate listed below known as the government and bankers. Please see the complaint attached to and made part of this motion.

The FBI

Parker Still, Esq.	-	FBI Special Agent - Knoxville, Tennessee
Jimmy Durand	-	FBI Special Agent - Knoxville, Tennessee
Jason Pack	-	FBI Special Agent - Knoxville, Tennessee
Joelle Vehec	-	FBI Special Agent - Knoxville, Tennessee
Zach Scrima	-	FBI Forensic Accountant - Washington, DC
Jaron Patterson	-	Univ. of Tennessee Police Dept. and FBI Cyber Task Force Investigator
D.T. Harnett	-	FBI Task Force Office

Knoxville County Sheriff Office

Mr. Blaine	-	Knoxville County Sheriff Deputy -- Tennessee
Leah Spoone	-	Knoxville County Sheriff Arresting Officer
Sara Andersen	-	Knoxville County Sheriff Arresting Officer
Terry Wilshire	-	Captain, Knox County Sheriff's Office

The US Attorney Office

Nancy Stallard Harr	-	United States Attorney - Tennessee
James Douglas Overbey	-	United States Attorney - Tennessee
Cynthia F. Davidson	-	Asst. U.S. Attorney -- Tennessee
Anne-Marie Svolto	-	Asst. U.S. Attorney – Tennessee

United States District Court for the Eastern District of Tennessee

Thomas A. Varlan	-	US District Judge - Eastern District, Tennessee
------------------	---	---

- C. Clifford Shirley - US Magistrate Judge (Retired), Eastern District, Tennessee
- Debrah C. Poplin - United States Magistrate Judge (then clerk) Eastern District, Tennessee
- John Medearis - Court Clerk (Retired) (then chief deputy clerk) Eastern District, Tennessee

New York Federal Reserve Bank

- Sean O'Malley - New York Federal Reserve Bank Investigator, and New York Federal Reserve Bank -- New York

USAA Bank

- David True Brown, Jr. - Director, Financial Crimes Investigation USAA Bank – Texas
- Stuart Parker - USAA Bank Former CEO and President – Texas
- Wayne Peacock - USAA Bank CEO and President – Texas
- Dan McNamara - President USAA Bank – Texas
- Michael Merwarth - Senior Vice President USAA Bank – Texas
- Torben Ostergaard - Executive Vice President and Chief Risk Officer USAA Bank – Texas
- Dana Simmons - Executive Vice President, CEO Chief of Staff USAA Bank – Texas
- Laura Bishop - Executive Vice President and Chief Financial Officer USAA Bank -- Texas

Sixth Circuit Appellate Court

- Jeffrey Sutton - Circuit Judge, U.S. Court of Appeals for the Sixth Circuit

Deborah L. Cook - Senior Circuit Judge, U.S. Court of Appeals for the Sixth Circuit

Amul Thaper - Circuit Judge, US Court of Appeals for the 6th Cir.

Court Appointed Attorneys at Law

Stephen G. McGrath - Assigned by district court to be Randall-Keith:Beane's trial elbow counsel

Bobby Hutson, Jr. - Public Defender appointed for Randall-Keith:Beane by United States Magistrate C. Clifford Shirley, Jr.

Stephen Louis Braga - Univ. of Virginia, Appellate Litigation Clinic - appointed by appellate court to file unauthorized appellant brief for Randall-Keith:Beane

Denis G. Terez - Appointed by appellate court to file unauthorized appellant brief for Heather-Ann:Tucci:Jarraf

And Other Unknown Members and Participants in the Conspiracy

To be determined

RELIEF:

Understanding that no man or woman can administrate property without right, Movant therefore asks that the Court grant the following relief:

A) I, Randall-Keith:Beane, claim trespass did cause wrong and harm. (theft of property, serious bodily injury)

B) I, Randall-Keith:Beane, require the immediate restoration of property.

(Property refers not only to physical goods and the fruit of one's labor but also encompasses rights, life, liberty, and the pursuit of happiness.)

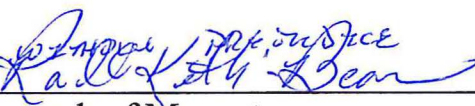
C) I, Randall-Keith:Beane, claim trespass did cause wrong or harm to Heather-Ann:Tucci:Jarraf and require immediate restoration of her property.

(Property refers not only to physical goods and the fruit of one's labor but also encompasses rights, life, liberty, and the pursuit of happiness.)

D) Movant requests any other relief to which Movant and Heather-Ann:Tucci:Jarraf may be entitled.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Without Prejudice, All Rights Reserved

By:  Date: Oct 11, 2021
Autograph of Movant
Randall-Keith:Beane
Reg. #52505-074
FCI Elkton
P.O. Box 10
Lisbon, Ohio (44432)

Attached to and made part of this motion: 1) June 30, 2021 Habeas Corpus and Void Judgment Petition of Remonstrance and Motion to Expunge the Case and Record

2) March 11, 2021 S.R. Complaint

Motion to: **LeAnna R. Wilson** (Original With Attachments/+ 2 copies of motion)
Clerk, U.S. District Court
800 Market Street, Suite 130
Knoxville TN 37902

USPS Priority # 9114 9012 3080 3100 8525 62

Travis R. McDonough (Original With Attachments)

Chief United States District Judge

Chambers Address

900 Georgia Avenue, Room 317

Chattanooga, TN 37402

USPS Priority # 9114 9012 3080 3100 8525 55

Michael E. Horowitz

Office of the Inspector General

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. (20530-0001)

USPS Priority # 9114 9012 3080 3100 8525 17

Christopher Wray

Director of the FBI

FBI Headquarters

935 Pennsylvania Avenue, NW

Washington, DC (20535-0001)

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Heather Ann Tucci-Jarraf

Reg. #86748-007

FCI Dublin

Address Unknown

Ms. Crawford

117th United States Congress
112th Tennessee General Assembly
124th South Carolina General Assembly

Randall-Keith:Beane
Of Tennessee

Habeas Corpus and Void Judgment Petition of Remonstrance
Motion to Expunge the Case and Record

In the Matter of United States of America v. Randall Keith Beane and
Heather Ann Tucci Jarraf – Case No.: 3:17-CR-82 and
The State of South Carolina vs. Randal Keith Beane – Case No.: 2014A2720200234

The foundation for the right to redress are the rights of conscience and self-determination. The right to redress is secured at United States Constitution Article I, Section 9, Clause 2 “The Privilege of the Writ of Habeas Corpus shall not be suspended, Amendment I – “...and to petition the Government for a redress of grievances,” Tennessee Constitution, Section 23, “That the citizens have a right...to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances...by address of remonstrance,” Thomas Jefferson, A Manual of Parliamentary Practice, Section XIX Petitions, “A Petition prays something, A remonstrance has no prayer,” Mason’s Manual, Legislative Procedure: Section 148 (2), “A petition is a written document, addressed to the legislative body in which it is to be presented...embodying instructions, opinions or a request to a legislative body to exercise its authority with reference to any matter either of a public or private nature,” and Section 795(2). Right of a Legislative Body to Make Investigations – “The legislature has the power to investigate any subject regarding which it may desire information in connection with the proper discharge of its function to enact, amend or repeal statutes or to perform any other act delegated to it by the constitution.”

Randall-Keith:Beane
Reg. #52505-074
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P.O. Box 10
Lisbon, Ohio (44432)
Phone # 330-420-6200

Former address:
300 State Street
Apt. 365
Knoxville, TN (37902)

ORAL ARGUMENT DEMANDED

Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf

Page 1 of 100

**Habeas Corpus and Void Judgment Petition of Remonstrance
Motion to Expunge the Case and Record**

June 30, 2021

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H. Walker, Assistant Director
United States Marshals Service
Office of Professional Responsibility
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Landover, Maryland (20785)
USPS Priority #9114901230803100903349

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AUTHORITY

United States Constitution Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and **to petition the government for a redress of grievances.**

Tennessee Constitution Article I. Declaration of Rights Section 23

That the citizens have a right...to **instruct their representatives**, and to apply to those invested with the powers of government **for redress of grievances**, or other proper purposes, **by address of remonstrance.**

South Carolina Constitution Article I. Declaration of Rights § 2

...the right of the people...**to petition the government or any department thereof** for a **redress of grievances.**

Ohio Constitution Article I: Bill of Rights §3

The people have the right to...**to instruct their Representatives**; and **to petition the General Assembly for the redress of grievances.**

California Constitution Article I, Declaration of Rights, Sec. 3

(a) The people have the right to **instruct their representatives**, petition government for **redress of grievances...**

Habeas Corpus and Void Judgment Petition of Remonstrance

Motion to Expunge the Case and Record

Declaration of Truth and Material Facts

A Living Testimony in the form of a Remonstrance and Declaration

The undersigned, Randall-Keith:Beane, hereinafter "Remonstrant", does hereby certify and declare that Remonstrant is competent to testify and state the matters set forth herein and is willing to testify with firsthand knowledge, all contents herein are true and correct in accordance with Remonstrant's firsthand personal knowledge. Remonstrant is of sound mind and over the age of twenty-one. Remonstrant reserves all rights. Remonstrant knowingly and willingly declares:

1) Remonstrant is a man, living soul, sui juris, Principal, a son of Almighty God, an ambassador of Christ, a Creator of De Jure Government, who's status is well defined in Genesis 1:26-28, & 2:7, Job 32:21-22, Deuteronomy 1:17, Proverbs 28:21, Mathew 22:16, Galatians 2:6, in the Maccabees in Ecclesiasticus 4:22, 4:27, 10:5, 35:13. It is in any case a sin unto God to accept the Person. Therefore, it is absolutely against Remonstrant's beliefs and religion.

Remonstrant is NOT a legal person. Remonstrant's straw man is one of the persons. Remonstrant is one of the people with private rights that cannot be abrogated. Is Remonstrant the property of another man? No! Who claimed that Remonstrant is property? Who claimed to have a contract with Remonstrant on the private side, corporate side, or otherwise? One CANNOT administrate another man or woman's property without right and that right can only come from a valid contract.

LAW covers three areas of jurisdiction: Land, Air, and Water. God gave man dominion over the Land, Air, and Water. (Genesis 1:26-28) LAW is the Constitution and Treaties laid down by the American people. This is LAW. Law is common Law. "Common-law" is understood as contrasted with or opposed to "statutory," and sometimes also to "equitable" or to "criminal." (Black's Law Dictionary, 4th Edition, P. 346) All district courts are **Court of Record** (28 U.S. Code § 132(a). Creation and composition of district courts) and a court of record must proceed according to common law – not statute. The court of justice is not in the district or circuit court. It's not within the judicial branch. The legislature is where the court of justice is located and has been hidden from the people. "The common law of parliamentary procedure is founded upon well-established and reasonable usage. It does not rest upon mere custom but upon reasonable and equitable custom. 'What is not reason is not law' may be said with reference to the common law of order in deliberative bodies, as well as to the common law of the land." (Mason's Manual, Sec. 35, Pg. 29)

The land is common law – property equity and rights. The air is ecclesiastical or common law which is trust law. And the water is admiralty and maritime commerce which is contract law. Which law/juris were offenders Thomas A. Varlan and C. Clifford Shirley in? Article III, Section 2 of the US Constitution gives judicial power to all cases of admiralty and maritime jurisdiction. However, admiralty and maritime jurisdiction applies to courts exercising jurisdiction over admiralty and maritime **contracts** which arise in consequence of **acts done upon or relating to the sea**. There was no contract and there were no acts done relating to the sea. Offender Thomas A. Varlan's determination to include a UCC "good faith" jury instruction makes it obvious he was operating in admiralty jurisdiction (Exh.

#27.1 and #27.2)/contract law, which follows the uniform commercial code even though he did not have an actual contract to work with – nothing occurred upon or in relation to the seas – the United States was not a party – and there were no controversies to which the United States would have had standing. . Offender Thomas A. Varlan did not bring forth a contract which meets all eight elements of a valid contract – or any contract at all for that matter. The burden of proof was on the judge and prosecutor.

To have a valid contract all elements of a lawfully binding contract would have to be present, to include: (a) parties competent to contract, (b) free and genuine consent, (c) full disclosure, (d) sufficient consideration, (e) certainty of terms, (f) meeting of the minds, (g) signatures or autographs, and (h) privity of contract. If a contract is created without one's knowledge or consent, you have created an illegal and unlawful private contract which is clearly null and void the moment an objection is made. Throughout the trial process Remonstrant and Heather-Ann:Tucci:Jarraf made it clear they were not in agreement with any attempts to contract – period!

2) Remonstrant presents a habeas corpus and void judgment remonstrance. The facts, the Constitution, the codes contained therein establish that Remonstrant and Heather-Ann:Tucci:Jarraf have not engaged in any unlawful or illegal activity, but are, in fact, the victims of a major conspiracy to railroad and deprive Remonstrant and Heather-Ann:Tucci-Jarraf of their God-given Rights and Liberties.

3) Remonstrant asserts there shall not be any presumption of Remonstrant's status as it is Remonstrant's right of self-determination.

4) Remonstrant again asserts he has never knowingly or willingly made himself subject to any private law, “special” law, or invisible contracts.

5) Remonstrant, Randall-Keith:Beane, and Heather-Ann:Tucci:Jarraf are the victims of a conspiracy orchestrated by a corporate plaintiff posing as government – United States of America – with the help of Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec, Zach Scrima, Jaron Patterson, and D.T. Harnett (of the Federal Bureau of Investigations), Mr. Blaine, Leah Spoone, Sara Andersen, and Terry Wilshire (of the Knoxville County Sheriff Office), Cynthia F. Davidson, Anne-Marie Svolto, Nancy Stallard Harr, and James Douglas Overbey (of the US Attorney Office), C. Clifford Shirley. Thomas A. Varlan, Debrah C. Poplin, and John Medearis (of the United States District Court for the Eastern District of Tennessee), Sean O’Malley (of the New York Federal Reserve), David True Brown, Jr., Stuart Parker, Wayne Peacock, Dan McNamara, Michael Merwarth, Torben Ostergaard, Dana Simmons, and Laura Bishop (of USAA Bank), Jeffrey Sutton, Deborah L. Cook, and Amul Thaper (of the Sixth Circuit Appellate Court), Jason Stone and twelve (12) others (of the Ridgeland South Carolina Police Department), Stephen G. McGrath, Bobby Hutson, Jr., Stephen Louis Braga, Denis G. Terez, (court appointed attorneys at law), and other unknown assailants and offenders in violation of 18 U.S. Code § 241. Conspiracy against rights, and 18 U.S. Code § 242. Deprivation of rights under color of law.

6) United States of America (plaintiff) vs. Randall Keith Beane and Heather Ann Tucci-Jarraf (defendants) involved fraud that permeated the entire conduct of the trial from beginning to end. The case was built upon FBI, prosecutorial and judicial fraud. The trial was infected with fraud in the presentation of the case to the jury that had substantial and

injurious influence in determining the grand jury's decision to indict and the trial jury's verdict to convict. The constitutional violations are so egregious there is no way they can be considered harmless. There was no competent fact witness. There was no complaint or affidavit. There was no damaged party. The plaintiff did not have standing which meant no jurisdiction – no just powers. No one came forward with a claim against Remonstrant or Heather-Ann:Tucci:Jarraf. Fabricated evidence was introduced to the grand jury and trial jury. The case was built upon fraud and judicial bias by design and everything done was in furtherance of the plot and conspiracy to deprive rights. The district court judge (Thomas A. Varlan) and magistrate (C. Clifford Shirley) exercised power they did not have. Remonstrant and Heather-Ann:Tucci:Jarraf were denied access to exculpatory evidence which is a denial of due process and prejudiced Remonstrant and Heather-Ann:Tucci:Jarraf's right to a fair trial. The jury had a right to hear the exculpatory evidence.

7) The district court and appeals court judges were biased and their judicial decisions reflect that bias:

- The test of jurisdiction is whether tribunal has power to enter upon inquiry, not whether its conclusion in course of it is right or wrong. (State vs. Phelps, 193 P.2d 921, 67 Ariz. 215 (1948) The Tennessee district court and appeals court (Sixth Circuit) both knew they did not have jurisdiction. They knowingly trespassed the law.
- The judge has the responsibility to make sure the complaint and warrant is in proper form. The judges knew the South Carolina warrant was disposed of two years earlier

and geographically outside Tennessee. They knew the Tennessee warrants were fictitious signed.

- With regard to the jurisdiction challenge, C. Clifford Shirley was the trier of fact as well as the trier of the law. He was supposed to examine the evidence that Mrs. Tucci:Jarraf presented regarding her UCC filings and then determine whether an event that she said occurred actually did occur. He didn't do that. Magistrate Judge C. Clifford Shirley denied Mrs. Tucci:Jarraf the opportunity to provide proof of the UCC foreclosure judgment. Mrs. Tucci:Jarraf's UCC filings foreclosed the United States corporation and other corporations disguised as government. Thomas A. Varlan and C. Clifford Shirley were both triers of fact. They both know that as the trier of fact they were obligated to find the existence of the UCC foreclosure judgment because no evidence was introduced to the contrary per § 1-206 (Presumptions) of the Uniform Commercial Code. They both understood given the United States corporation they represented did not exist there was no way they could possibly have subject matter jurisdiction and definitely not personal jurisdiction. They were obligated under UCC § 1-206 to dismiss the case. They had nothing disputing the UCC filings so they were obligated to accept the UCC filings. C. Clifford Shirley wrote the jurisdiction report. He was obligated under UCC § 1-206 to dismiss the case. UCC § 1-206 requires the "trier of fact," C. Clifford Shirley, to presume Heather-Ann:Tucci:Jarraf's UCC filings and perfected judgment foreclosing the US corporate government were true because they were not rebutted. UCC § 1-

206 states - **“the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.”** (Exh. #9)

There was no judicial review of that administrative process. Offender C. Clifford Shirley could have and should have reviewed the administrative process to determine jurisdiction. He chose not to because the goal was to take jurisdiction regardless.

The prosecutorial and judicial misconduct violated Remonstrant and Heather-Ann:Tucci:Jarraf's right to due process.

- Thomas A. Varlan (trial judge) took it upon himself to include a defective reasonable doubt instruction. §1343, §1344, §1956, and §1957 all have to do with **criminal intent** or **mens rea**, and yet Thomas A. Varlan, with the assistance of Stephen G. McGrath (Remonstrant's elbow counsel), pushed for a “good faith” instruction. Good Faith is a uniform commercial code (UCC) standard – not a criminal standard. (Exh. #10)
- Thomas A. Varlan (trial judge) denied Remonstrant and Heather-Ann:Tucci:Jarraf the right to challenge jurisdiction at the request of Cynthia F. Davidson and Anne-Marie Svolto (US assistant attorneys Motion in Limine to Prohibit Jurisdictional Argument – court document 78 and 90) (Exh. #11.1 and #11.2) The motion should have been denied but it wasn't.
- Thomas A. Varlan (trial judge) allowed FBI witness Parker Still to say “...I think that's some of TV stuff where we serve people, put a warrant in their hands...” (Trial Transcript, Vol. I, P. 69, Line 13-15) without dismissing the trial for denial of due

process. The star witness bragged about denying due process and the trial judge was okay with it. (Exh. #13.13)

- Offenders Jeffrey Sutton, Deborah L. Cook and Amul Thaper denied Remonstrant and Heather-Ann:Tucci:Jarraf the right to present their respective appeal. They appointed Stephen Louis Braga and Denis G. Terez to write the appeal which was not authorized by Remonstrant or Heather-Ann:Tucci:Jarraf.
- Offender Cynthia F. Davidson (assistant US Attorney) allowed offender Parker Still to speculate before the grand jury about Heather-Ann:Tucci: Jarraf “planning military operations” to break Remonstrant out of jail when there was no evidence of her “planning military operations” to remove Remonstrant from jail. (Grand Jury Transcript, P. 56-57, Line 25; 1-3)
- Offenders Jeffrey Sutton, Deborah L. Cook, and Amul Thaper (Sixth Circuit appellate judges) repeated the “planning military operations” in their appellate opinion (Exh. #17.1, #17.2) with no evidence of Mrs. Tucci:Jarraf planning a military operation jail break in the record. It was all based on Offender Parker Still’s speculation to prejudice and inflame the grand jury and they knew it. Parker Still did not hide the fact that he was speculating. The appeals court judges used that speculation to help form their appellate opinion.
- Offenders Jeffrey Sutton, Deborah L. Cook, and Amul Thaper (Sixth Circuit appellate judges) did not analyze the issues and law of the case. They proceeded as though they were prosecuting the case. They used their appellate “opinion” to try to

further build a case against Remonstrant and Heather-Ann:Tucci:Jarraf by knowingly regurgitating known lies presented in the trial about a military operation jail break, saying Mrs. Tucci:Jarraf “...produced several faux-legal documents ...” (Appellate Opinion P. 2, ¶ 4) knowing Mrs. Tucci:Jarraf is a trained lawyer and any document drafted and signed for lawful purposes is a lawful document. These offenders accused Randall-Keith:Beane of being heavily in debt when there was nothing in the record that showed he was heavily in debt. These offenders DENIED Remonstrant and Mrs. Tucci-Jarraf their right to present their appeal. They handpicked two officers of the court (Dennis G. Terez and Stephen L .Braga) without Remonstrant or Mrs. Tucci:Jarraf’s consent or authorization. The two attorneys at law/officers of the court never bothered to contact Remonstrant or Mrs. Tucci:Jarraf. They wrote an appellate brief without ever consulting Remonstrant or Mrs. Tucci:Jarraf. The appeals court judges focused their “opinion” on the petty and irrelevant like when Randall-Keith:Beane went to bed (P. 3, ¶ 3), and “...motor home that had two bathrooms, marble floors, and a fireplace.” (P. 3, ¶ 4) They did absolutely NO law/legal analysis because they were part of the conspiracy to false imprison Remonstrant and Heather-Ann:Tucci:Jarraf.

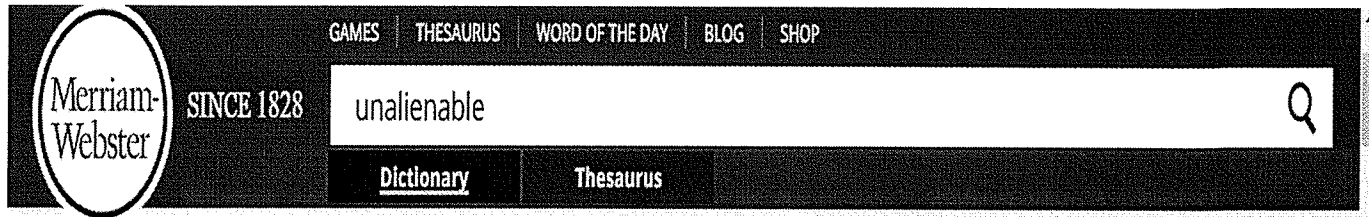
- Thomas A. Varlan (trial judge) allowed the prosecutors and witnesses to accuse Remonstrant of “robbery” and “stolen money” in front of the jury when there was no robbery or theft charge. (Exh. #13.2, #13.4, #13.5, #13.6, #13.7, #13.8, #13.9, #13.10, #13.11, #13.12)

- Thomas A. Varlan (trial judge) allowed Cynthia F. Davidson and Anne-Marie Svolto (US assistant attorneys) jury instruction – “It is not necessary that the government prove all of the details alleged concerning the precise nature and purpose of the scheme or that the material transmitted by wire, radio or television communications was itself false or fraudulent or that the alleged scheme actually succeeded in defrauding anyone or that the use of the wire, radio or television communications was intended as the specific or exclusive means of accomplishing the alleged fraud or that someone relied on the misrepresentation or false statement or that the defendant obtained money or property for his own benefit.” Thomas A. Varlan (at the request of Cynthia F. Davidson and Anne-Marie Svolto – US assistant attorneys) instructed the jury to find fraud even if no one was defrauded. (Exh. # 18.1 and 18.2)
- All of the offenders willfully and knowingly violated Remonstrant’s and Heather-Ann:Tucci:Jarraf’s inalienable rights including the district court and appeals court judges who had a special responsibility to protect and preserve said rights.

The Declaration of Independence makes it clear to the offenders that Rights are unalienable:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,”

Rights are “impossible to take away or give up.” (Merriam-Webster)



unalienable adjective

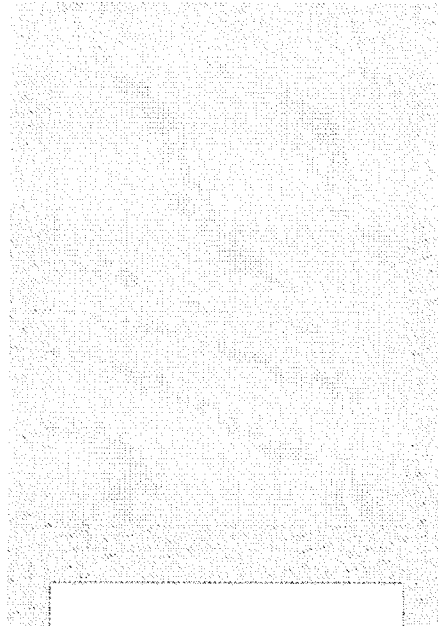
un·alien·able | \ ˌən-ˈāl-yə-nə-bəl , -ˈā-lē-ə- \

Definition of *unalienable*

: impossible to take away or give up : **INALIENABLE**

// We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain *unalienable* Rights, that among these are Life, Liberty and the pursuit of Happiness.

— *United States Declaration of Independence*



The National Archives transcription of the Declaration of Independence says “**unalienable**” Rights.

Thomas Jefferson used Virginia’s Declaration of Rights to write the opening paragraph of the Declaration of Independence. It says “**inalienable.**” (Section 3)

The Thomas Jefferson Memorial Southwest Portico Inscription says:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain **inalienable** rights, among these are life, liberty, and the pursuit of happiness, that to secure these rights governments are instituted among men.

Bouvier's Law Dictionary, Blacks Law Dictionary and Noah Webster's Dictionary define "inalienable" as follows:

INALIENABLE. This word is applied to those things, the property of which cannot be lawfully transferred from one person to another. (Bouvier's Law Dictionary, Revised Sixth Edition, 1856, P. 915)

INALIENABLE. Not subject to alienation; the characteristic of those things which cannot be bought or sold or transferred from one person to another, such as rivers and public highways, and certain personal rights; *e. g.*, liberty. (Black's Law Dictionary, REVISED FOURTH EDITION, P. 903)

INA'LIENABLE, *adjective* Unalienable; that cannot be legally or justly alienated or transferred to another. The dominions of a king are *inalienable* All men have certain natural rights which are *inalienable* The estate of a minor is *inalienable* without a reservation of the right of redemption, or the authority of the legislature. (Noah Webster's 1828 online dictionary - <http://webstersdictionary1828.com/Dictionary/regulate>)

UNA'LIENABLE, *adjective* Not alienable; that cannot be alienated; that may not be transferred; as *unalienable* rights. (Noah Webster's 1828 online dictionary - <http://webstersdictionary1828.com/Dictionary/regulate>)

PARTIES

8) **Randall-Keith:Beane, Remonstrant**, is false imprisoned at the Federal Correctional Institution, Elkton, Ohio. July 11, 2017 Remonstrant was unlawfully arrested and detained,

and subsequently tried and convicted in the United States District Court for the Eastern District of Tennessee. The sentence consists of a term of 120 months as to each of Counts One through Five (18 U.S.C. § 1343 - Wire Fraud) and 155 months as to Count Six (18 U.S.C. § 1344 - Bank Fraud) and Seven (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering) with all counts to run concurrently. See case number: 3:17-CR-00082-TAV-DCP(1).

9) **Heather-Ann:Tucci:Jarraf**, co-defendant, was false imprisoned at the Federal Correctional Institution, Dublin, California. In July 2017 Mrs. Tucci:Jarraf was unlawfully arrested and detained, and subsequently tried and convicted in the United States District Court for the Eastern District of Tennessee. She was sentenced as to Count 7 (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering) for a term of false imprisonment of 57 months. See case number: Case No. 3:17-cr-82-2.

10) **Respondent Mark Williams** is the Warden of the Federal Correctional Institution, Elkton, Ohio.

11) **Charleston Iwuagwu** is the Warden of the Federal Correctional Institution, Dublin, California.

SUMMARY OF FACTS

12) July 11, 2017 Remonstrant was conducting a private business transaction at Buddy Gregg RVs and Motor Homes in Knoxville, Tennessee. Remonstrant purchased a Motor Home for the Randall Keith Beane Factualized Trust. As Remonstrant was looking over repairs that were made to the motor home a swarm of men and a woman dressed in suits

blocked the motor home with their vehicles. They demanded Remonstrant open the door. They did not identify themselves. They told Remonstrant they had a Colorado arrest warrant for Remonstrant. Remonstrant responded he had never been to Colorado. By forcible entry the FBI agents and Knox Sheriff deputies unlawfully and violently took possession of the motor home by force and arms, without authority of law. It was a crime of violence designed to terrorize Remonstrant. They committed criminal trespass and entered the private property without consent. Upon entry they committed aggravated assault against Remonstrant causing serious bodily injury. Remonstrant asked to see the arrest warrant (Exh. #1, #2, #3) and they dragged Remonstrant out of the private property motor home and began to assault Remonstrant by twisting his arm, throwing him to the ground and elbowing him to the back of the head until he bled, pushed Remonstrant's head/neck in the dirt cutting off Remonstrant's oxygen supply, gave Remonstrant a black eye, kicked and punched Remonstrant until his body was sore and bruised, handcuffed Remonstrant, pulled down Remonstrant's pants and made Remonstrant stand in the sun for 45 minutes to an hour handcuffed with his underwear exposed. Remonstrant later learned the aggravated assault was committed by approximately eight or nine FBI agents and a Knoxville Sheriff deputy. The FBI arrested Remonstrant and the sheriff deputy false imprisoned Remonstrant. The FBI did not have jurisdiction to intervene in a private business transaction per 18 U.S. Code § 3052 – Powers of Federal Bureau of Investigation. There was no complaint against Remonstrant. There was no sworn affidavit of firsthand knowledge of a crime alleged to be committed by Remonstrant. The FBI and Knox sheriff deputy used a South Carolina traffic related bench warrant with a disposition date July 17, 2015 - disposed of two years earlier –

to arrest Remonstrant. The assailants searched and seized the motor home without a search and seizure warrant. The assailants did not bring Remonstrant before a judge or magistrate for a probable cause hearing. The Knox sheriff deputy false imprisoned Remonstrant while one of the assailants, Parker Still of the FBI, waited until July 18, 2017 to appear before the grand jury to fabricate charges against Remonstrant to secure a fraudulent indictment. Once the fraudulent indictment was secured the assailants created fictitious signed district court arrest warrants (Exh. #4, #5, #6) to re-arrest Remonstrant and arrest Mrs. Tucci:Jarraf.

13) The offenders charged Remonstrant with affecting interstate commerce, fraud and money laundering. While the commerce clause in Article 1, Section 8, Clause 3 of the U.S. Constitution gives Congress the power to regulate commerce among the states, regulate does not mean if you hear, see, or use a signal you've interfered with commerce and the congress can regulate. Regulate means "to put in good order." (Noah Webster's 1828 online dictionary - <http://webstersdictionary1828.com/Dictionary/regulate>) If commerce is not in good order due to some problem the federal government can step in as a mediator or referee to get things back on track. The federal government only steps in if there is a problem. As long as commerce is moving between the states it's none of the federal government's business. The territorial jurisdiction of the United States is that which is out of the jurisdiction of any particular state. (18 U.S. Code § 7 – Territorial Jurisdiction of the United States defined). The offenders did not offer one example in which Remonstrant affected interstate commerce. The offenders violated the original intent of the constitution's commerce clause by pretending and misrepresenting to the grand jury and trial jury that sending a "signal" is burdening or obstructing commerce. It's not! Affect interstate

commerce is clearly defined in 7 U.S. Code § 1301 and 29 USC § 152 (7) as burdening or obstructing commerce or the free flow of commerce.

14) The offenders offered no evidence Remonstrant defrauded anyone. In fact, they requested a jury instruction find fraud even if no one was defrauded. There was no evidence Remonstrant misrepresented the truth, or concealed a material fact, or tricked anyone, or deceived or damaged anyone. “Fraud gives no action without damage.” (Black’s Law Dictionary, Ninth Edition, Pg. 731)

15) Offenders stated, “...and then to commit money laundering, which is in this case to transfer the money out of USAA to Whitney Bank for the purchase of this RV...” (Cynthia F. Davidson Questioning Parker Still, Grand Jury Transcript, P. 55-56, Line 23-25, 1-2) Transferring money from your personal bank account to a retailer for the purchase of an item is shopping. It is not money laundering.

16) The indictment is defective. It did not charge or describe the offense charged in the indictment as having been committed feloniously. (Exh. #21) There is no mention of Remonstrant or Heather-Ann:Tucci:Jarraf committing a felony. The indictment accused Remonstrant and Mrs. Tucci:Jarraf of committing non-indictable colorable “offenses,” not a felony. The Constitution does not allow the creation of statutes and codes. They are an attempt to overthrow the government.

17) The most common felonies are murder, rape, kidnapping, sodomy, abortion, treason, arson and a breach of the peace. Otherwise you’re talking about a tort. Remonstrant and Heather-Ann:Tucci:Jarraf did not commit any of these felonies or any torts.

18) Remonstrant and Heather-Ann:Tucci:Jarraf were framed for a fraud and money laundering crime they did not commit, and the case should have been dismissed for witness, prosecutorial and judicial misconduct.

19) Remonstrant and Mrs. Tucci:Jarraf are the victims of a Tennessee crime ring that involved the following offenders:

USAA BANK

David True Brown, Jr. (USAA Bank Director of Financial Crimes Investigation)

Stuart Parker (USAA Bank Former CEO and President – Texas)

Wayne Peacock (USAA Bank CEO)

Dan McNamara (USAA Bank President)

Michael Merwarth (USAA Bank Senior Vice President)

Torben Ostergaard (USAA Bank Executive Vice President and Chief Risk Officer)

Dana Simmons (USAA Bank Executive Vice President, CEO Chief of Staff)

Laura Bishop (USAA Bank Executive Vice President and Chief Financial Officer)

FBI

Parker Still, Esquire (FBI Special Agent)

Jimmy Durand (FBI Special Agent)

Jason Pack (FBI Special Agent)

Joelle Vehec (FBI Special Agent)

Zach Scrima (FBI Forensic Accountant)

Jaron Patterson (FBI Cyber Task Force Investigator, Univ. of Tenn. Police Dept.)

D.T. Harnett (FBI Task Force Office)

DEPARTMENT OF JUSTICE

Cynthia F. Davidson, Esquire (Assistant United States Attorney)

Anne-Marie Svolto, Esquire (Assistant United States Attorney)

Nancy Stallard Harr (United States Attorney)

James Douglas Overbey (United States Attorney)

DISTRICT COURT - Eastern District of Tennessee

Thomas A Varlan (Trial Judge)

C. Clifford Shirley, Jr. (Magistrate Judge Retired)

Debrah C. Poplin (Magistrate Judge - then Court Clerk),

John Medearis, (Court Clerk - then Chief Deputy Clerk)

KNOXVILLE COUNTY SHERIFF

Mr. Blaine (Sheriff Deputy)

Leah Spoone (Knoxville County Sheriff Deputy Arresting Officer)

Sara Andersen, Affiant (Knoxville County Sheriff Deputy Arresting Officer)

Terry Wilshire (Captain, Knox County Sheriff's Office)

NEW YORK FEDERAL RESERVE BANK

Sean O'Malley (New York Federal Reserve Investigator)

COURT APPOINTED - ATTORNEYS AT LAW

Stephen G. McGrath (Assigned by Court to be Randall-Keith:Beane's trial "elbow counsel.")

Bobby Hutson, Jr. (Tennessee Public Defender appointed for Randall-Keith:Beane by Magistrate Judge C. Clifford Shirley, Jr.)

Stephen Louis Braga, Univ. of Virginia, Appellate Litigation Clinic (Unauthorized Appellant Brief filed by Mr. Braga for Randall Keith Beane)

Dennis G. Terez (Counsel for Appellant Heather Ann Tucci:Jarraf)

SIXTH CIRCUIT APPELLATE COURT

Jeffrey Sutton (Circuit Judge, U.S. Court of Appeals for the Sixth Cir.)

Deborah L. Cook (Senior Circuit Judge, U.S. Court of Appeals for the Sixth Circuit)

Amul Thaper (Circuit Judge, US Court of Appeals for the 6th Circuit)

RIDGELAND, SOUTH CAROLINA POLICE DEPT.

Jason Stone, Ridgeland (South Carolina Police Officer)

Approximately 12 +/- other Ridgeland officers names unknown

UNKNOWN ASSAILANTS

To be determined

20) The offenders conspired to frame Remonstrant and Heather-Ann:Tucci:Jarraf for fraud and money laundering by manufacturing and prosecuting a case they ALL knew was fabricated. The prosecutors, judges, and court appointed attorneys at law/officers of the court all showed a reckless disregard for the truth. They knowingly made false claims and created and confirmed to the grand jury and trial jury false impressions that the offenders knew was not true in violation of 31 USC § 3730 – False Claims. They failed to correct false impressions that offenders created and confirmed – 18 USC § 1341 – Frauds and Swindles. 18 USC § 514 – Fictitious Obligations, 18 USC §1951 – Robbery / motor home, 18 USC §1952 – Racketeering.

21) Remonstrant does not know who filled out the criminal complaint against Remonstrant and Heather-Anne:Tucci:Jarraf or if there was, in fact, a criminal complaint filed with the

Court under sworn oath. Remonstrant also does not believe there was a sworn affidavit by a competent witness that provided probable cause to initiate an action against Remonstrant and Heather-Ann:Tucci:Jarraf. Remonstrant does not have access to offender Parker Still's FBI Sentinel file.

22) The Plaintiff (United States of America) is not an official of the people's government. Remonstrant was denied the true name of the Plaintiff as required by the Supreme Court - **"Complaint must identify at least one Plaintiff by true name; otherwise no action has been commenced."** Roe vs. New York, (1970, SD NY) 49 FRD 279, 14 FR Serv 2d 437, 8 ALR Fed 670.

23) C. Clifford Shirley, Jr. (United States Magistrate), Thomas A Varlan (Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), Anne-Marie Svolto, Esquire (Assistant United States Attorney), Parker Still, Esquire (FBI special agent) and other offenders each violated the International Covenant on Civil and Political Rights Treaty of which the United States of America is a signatory: **Article 1** recognizes the right of all peoples to self-determination. **Article 6** of the Covenant recognizes the individual's "inherent right to life" and requires it to be protected by law. **Article 9** recognizes the rights to liberty and security of the person. It prohibits arbitrary arrest and detention, requires any deprivation of liberty to be according to law. **Articles 9.3 and 9.4** impose procedural safeguards around arrest, requiring anyone arrested to be promptly informed of the charges against them, and to be brought promptly before a judge. **Article 11** prohibits the use of imprisonment as a punishment for breach of contract. **Article 14** recognizes and protects a right to justice and a fair trial.

24) C. Clifford Shirley, Jr. (United States Magistrate) committed fraud upon the court when, on or about July 27, 2017, he approved a “WAIVER OF DETENTION HEARING” denying Remonstrant a detention/bail hearing and due process in violation of Article I, Section 16 of the Tennessee Constitution which provides “that excessive bail shall not be required...” The prohibition against excessive bail includes the denial of all bail.

25) Thomas A Varlan (Trial and Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all committed fraud upon the court by stating Davidson and Svolto appeared as counsel for the corporate plaintiff (United States of America) while also representing The People as prosecutors.

26) Thomas A Varlan (Trial and Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all committed fraud upon the court when they intentionally failed to declare a mistrial or dismiss the case when the corporate United States of America plaintiff, its attorney, counsel or representative **failed to appear**.

27) Thomas A Varlan (Trial and Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all committed fraud upon the court by not declaring a mistrial or dismiss the case when FBI special agent Parker Still stated under oath that he did not follow due process and said that due process is for TV. (Trial Transcript, Volume I, P. 69, Line 13-17 – Exh. #13.13)

28) Thomas A Varlan (Trial and Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all committed fraud upon the court by stating the **plaintiff** is **UNITED STATES OF AMERICA**, but the **victim** is **USAA Bank**. They knew the plaintiff did not have standing (Exh. #12) and therefore there was no jurisdiction. (“In this case, USAA is our victim.”-- Trial Transcript, Volume I, P. 24, Line 19-20 – Exh. #13.1, #13.2)

29) Remonstrant asserts Thomas A Varlan (Trial and Chief United States District Judge), C. Clifford Shirley, Jr. (United States Magistrate), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all violated Article I, Section 9, Clause 8 -- THE EMOLUMENTS CLAUSE -- of the Constitution: “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.” The BAR (British Accredited Registry) is a foreign state and “Esquire” is a title of nobility. (Exh. #25.1, #25.2)

30) Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) violated their constitutional obligations by not turning over exculpatory Brady material to include the emails between Parker Still (FBI agent) and True Brown (USAA Bank Investigator - former FBI agent), the FBI Sentinel file, the disposed of South Carolina **bench warrant** (not signed by a judge – signed by the clerk), etc. until after the trial was over. The jury was denied the right to see the exculpatory evidence.

31) The United States of America/United States (28 U.S. Code § 3002 -- **(15)** “United States” means—**(A)** a Federal corporation), is a corporation pretending to be a government and it was used in the conspiracy to deprive Remonstrant and Heather-Ann:Tucci:Jarraf of their God-given rights through false imprisonment. (Exh. 20.1 and 20.2)

32) At no time has Remonstrant knowingly or willingly waived his rights, or knowingly, willingly, or voluntarily agree to any presumptions, assumptions, tacit agreements, or anything that would be detrimental to the exercise of Remonstrant’s free will, freedom, and liberty.

33) July 11, 2017 the private property motor home, which Remonstrant is trustee and guardian, was illegally and unlawfully trespassed upon in violation of federal code 25 CFR § 11.411 - Criminal trespass and Tennessee code 39-14-405 - Criminal trespass - by offenders Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec, Mr. Blaine and others unknown to Remonstrant.

34) July 11, 2017 Remonstrant was physically removed from the private property, thrown to the ground, physically assaulted, kidnapped and false imprisoned in a Knoxville Tennessee jail -- all without a valid warrant -- in violation of due process Constitution Amendments IV, V, VI and XIV; and 18 U.S. Code § 2236 - Searches without warrant and § 2234. Authority exceeded in executing warrant. The arrest was not pursuant to legal form of the law and was therefore unlawful felony kidnapping and false imprisonment.

35) July 11, 2017 the trespassers and assailants stated they had a warrant to arrest Remonstrant. Remonstrant requested to see the arrest and private property seizure warrant and it was not presented in violation of federal Rule 4 (c) (3) (A) – “Upon arrest, an officer

possessing the warrant must show it to the defendant,” Tennessee code § 40-6-103 (Probable cause and affidavit), and Tennessee code § 40-6-216 (Copies of warrants)

36) An arrest warrant was not shown because they DID NOT have an arrest or seizure warrant. Trial transcript, volume 1, page 69, line 8-17 – Question – “Okay. On July 11th, prior to or at any moment, did you ever present a warrant to Mr. Beane or the other unidentified male and unidentified female that you found in that vehicle? Did you ever present an actual paper warrant or electronic warrant to any of those three? FBI Agent Parker Still Answer – “No, ma’am. And I – I don’t – I mean, that’s – **I think that’s some of TV stuff where we serve people, put a warrant in their hands. You know, that’s – I don’t – that’s just not general practice where you would, you know, serve someone – hand someone a warrant, generally.**” (Exh. #13.13) And Jaron Patterson (employed by the University of Tennessee Police Department, deputized by the United States Marshal Service as a Special Deputy U.S. Marshal, and assigned to the FBI task force.) stated the following with regard to the nonexistent warrant: Question—“Is there any reason why you guys didn't pull a copy of that alleged active outstanding warrant?” Answer – “That's not very common to take a copy.” Question – “So it's not common to take a copy or to have a warrant to show someone that you were arresting?” Answer – “ The original copy would have been with the issuing agency, so it was an out-of-state warrant. The original copy would have been in another state.” Question – “So you're not sure if it was ever -- truly existed?” Answer – “No.”

37) On/about July 27, 2017 Remonstrant was forced, under duress, to autograph a due process hearing waiver form in violation of Rule 12(h)3 -- Waiving and Preserving Certain

Defenses -- *“Lack of Subject-Matter Jurisdiction.* If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action,” and violation of 18 U.S. Code § 1951.(Interference with commerce by threats or violence) -- The Hobbs Act – “Extortion by Force, Violence, or Fear Extortion is the obtaining of another person’s property (rights are property—right of liberty) or money, with his consent when this consent is induced or brought about through the use of actual or threatened force, violence or fear.”

38) The Offenders deprived Remonstrant and Heather-Ann:Tucci:Jarraf of their God-given constitutionally protected right to life, liberty and the pursuit of happiness, They acted willfully with knowledge and understanding that they were engaged in a conspiracy to deprive Remonstrant and Heather-Ann:Tucci:Jarraf rights. The Offenders knew they committed their criminal felonious acts under color of law. They used their government issued weapons to threaten and intimidate Remonstrant. The Offenders kidnapped Remonstrant and Heather-Ann:Tucci:Jarraf. The Offenders used excessive force and strangled Remonstrant and caused other bodily injury. The Offenders knew what they were doing was wrong, but they decided to do it anyway. They intended to engage in the unlawful conduct and they did so knowing it was wrong and unlawful. It was a conspiracy so there clearly was no mistake, fear, misperception, or poor judgment. The offenders targeted Remonstrant and Heather-Ann:Tucci:Jarraf. Failing to do their job is a clear indication of their intent. All Offenders on the scene when Remonstrant suffered aggravated assault, purposefully participated and allowed fellow officers to violate Remonstrant’s rights. They all were aware and had the opportunity to intervene and report their fellow officers but they chose not to. They failed to intervene to stop the Constitutional violations.

39) The case details are outlined and summarized in a March 11, 2021 grievance complaint filed by S. Robinson, and others. Please go to I-UV.com to read the 322 page complaint and 164 pages of attachments posted March 23, 2021.

SOUTH CAROLINA UNLAWFUL ARREST & FALSE IMPRISONMENT

40) On/about October 2014, Jason Stone and twelve other officers (of Ridgeland Police Department) unlawfully stopped Remonstrant as he travelled. Remonstrant did not contract for a driver's license or state tags because Remonstrant understands he has a fundamental right to travel down the roads so he did not consent to a law enforcement system that is contrary to that known at common law, the Bill of Rights, and most importantly the Rights granted by the Creator. Remonstrant did not consent to the rules and regulations of the "driver's license" system and he was punished for it. The common law drew a distinction between an arrest for misdemeanors such as that which offender Jason Stone and his 12 fellow officers/offenders allegedly arrested Remonstrant upon, and arrests for felonies. When a felony was committed an arrest could be made without a warrant, but **no arrest could be made for a misdemeanor without a warrant unless it constituted a 'breach of the peace.'**

The misdemeanor traffic violation was not a breach of the peace and thus Offender Jason Stone and his 12 fellow officers needed a warrant, a valid warrant, to make an arrest for such offense. A form with "Arrest Warrant" pre-written on it and pre-signed by a judge is not a valid warrant. The arrest warrant was signed by an "issuing judge" October 13, 2014. Offender Jason Stone states a copy of the arrest warrant was given to Remonstrant 10/13/2014. Both of these things could not have happened 10/13/2014 unless the issuing

judge was riding shotgun with the offenders and on the scene to issue a lawful arrest warrant. But without Remonstrant's participation in the license/tag system there was no lawful reason to stop Remonstrant regardless. Furthermore, offender Jason Stone and his 12 fellow officers knew Remonstrant did not contract through the driver's license as they took Remonstrant's American National ID. They had no lawful right to detain Remonstrant. The offenders tried to contract for jurisdiction using codes, rules, regulations and statutes but those apply to the employees of the corporation they were written for.

41) Remonstrant's travel was interrupted by Jason Stone and 12 other officers, all dressed in swat gear with body cams, while traveling in a 35 mph school zone. Remonstrant was behind an 18-wheeler who had just made a right turn when Remonstrant was pulled over. The thirteen (13) body cams certainly would have captured the entire incident.

42) Jason Stone and 12 others came running up to Remonstrant's truck. Remonstrant heard one of the officers yell to the officer closest to Remonstrant's truck 'get him to tell you he's a sovereign.' When Remonstrant heard him say that Remonstrant knew that it wasn't a normal traffic stop. The offenders' real interest was to get Remonstrant to tell them that he was a "sovereign citizen." Remonstrant made it clear he is a peaceful living man. The offenders were frustrated Remonstrant would not label himself a sovereign citizen.

43) All of the offenders expressed their anger at Remonstrant. They had a chrome bar drawn back to break Remonstrant's window. Remonstrant said "stop" and rolled down the window. The offenders stuck two tasers in the window and tased Remonstrant until Remonstrant got out of the truck and laid spread eagle on the road.

- 44) The offenders called an ambulance because they tased Remonstrant so hard they thought they had given Remonstrant a heart attack.
- 45) The offenders arrested Remonstrant. They did not inform Remonstrant why he was arrested. They took Remonstrant's American National ID and tag.
- 46) The offenders searched Remonstrant's truck without a warrant and without Remonstrant's consent. They couldn't find anything and that made the offenders angrier.
- 47) A black SUV pulled up and two men dressed in suits got out. They Told Remonstrant that they knew all about Remonstrant and how Remonstrant felt about "the government." Remonstrant responded you do not know how I think about the government.
- 48) One of the offenders then said, "Mr. Beane, we know everything about you." The offenders then put Remonstrant in the back of a cop car and took Remonstrant to jail.
- 49) They immediately instructed Remonstrant to get his clothes off and put on their jail clothes. They put Remonstrant in a cell where someone had defecated, urinated, and threw up and they left Remonstrant there for three days. After three days they put Remonstrant in population and false imprisoned Remonstrant for over 60 days.
- 50) It was two weeks before they took Remonstrant to court in a bus with over 30 other inmates. The judge ordered Remonstrant released.
- 51) The police offenders then took Remonstrant back to jail and a week later took Remonstrant to a different courthouse. The offenders were judge shopping. After an exchange between the judge and Remonstrant, the judge gaveled hard, grabbed his robe, jumped up and exclaimed the court will take a recess and he left the courtroom with Remonstrant standing there. The offenders then took Remonstrant back to jail laughing at

Remonstrant saying that the judge is going to throw Remonstrant under the jail. After a few more weeks of false imprisonment Remonstrant was released.

52) Remonstrant heard nothing else about the matter until July 11, 2017 when Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec (of the FBI), Mr. Blaine (Knoxville sheriff office) and others kidnapped Remonstrant in Knoxville using a South Carolina traffic related bench warrant that had been disposed of two years earlier (July 17, 2015). The bench warrant was signed by the clerk of court not a judge or magistrate so it was not even a bench warrant. It was titled "bench warrant," but it was not signed by a judge. Moreover, "A judgment rendered by a court without personal jurisdiction over the defendant is **void**. It is a nullity. [A judgment shown to be **void** for **lack of personal service** on the defendant is a nullity.] *Sramek v. Sramek*, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

AUTHORITIES—ARREST, ASSAULT and FALSE IMPRISONMENT

53) "A citizen of one state is to be considered as a citizen of every other state in the union." **Butler v. Farnsworth**, Federal Cases, Vol. 4, Page 902 (1821)

54) In a case in Tennessee, which involved a misdemeanor, a man was arrested while he was traveling in the state . The State Supreme Court laid down several principles of law, and related them to the American Revolution. It stated that "the stopping of a car by an officer for the inspection of a driver's license or for any purpose where it is accomplished by the authority of the officers, is in fact an arrest, even though it be a

momentary one in some cases," This is a true point of law and anyone can see that such a stop is an arrest. But **such an arrest is consented to by way of the driver's license**, as the court further stated: One of the few exceptions of the law relating to arrests without a warrant is the authority of highway patrol officers to stop a car and demand to see the license of the operator. This authority in itself is not known to the common law and is of statutory origin only. In fact, the authority is implicatively given in provisions of the laws relating to the issuance of licenses to drive automobiles. *Robutson v. S(au)*, 198 S.W.2d 633, 635-36 (Tenn., 1947) Remonstrant **did not** consent by way of the driver's license.

55) An unlawful arrest is in itself an assault and a trespass, and the law regards such arrests as any other assault which may be resisted by the party being assaulted. The Supreme Court of South Carolina stated: "Common as the event may be, **it is a serious thing to arrest an American and it is a more serious thing to search his person**; and he who accomplishes it **must do so in conformity to the laws of the land**. There are two reasons for this; one to avoid bloodshed, and the other to preserve the liberty of the American. Obedience to law is the bond of society, and **the officers set to enforce the law are not exempt from its mandates**. (*Town of Blacloburg v. Beam*. 104 S.C. 146, 88 S.E. 441 (1916); *Allen v. State* 197 N.W. 808, 810-11 (Wis. 1924).

56) The law of self-defense does allow one to repel an attack or an assault upon them for self-preservation and to protect one's inalienable right to protect his life, liberty and property from **unlawful attack**. In a case in Maine a man had resisted an officer trying to arrest him, and both parties claimed that the other was the unprovoked aggressor and struck the first blow. The Supreme Judicial Court of Maine held: "**An illegal arrest is an assault and**

battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery. (*State v. Robinson*, 145 Me. 71, 72 Atl.2d 260, 262 (1950))

57) The Court went on to say that the person illegally arrested "cannot initiate the use of force." and that "words alone do not justify an assault." Thus a mere statement by an officer that a person is under arrest, even if there is no authority to arrest, "does not justify an attack by him on the officer before any physical attempt is made to take him into custody." This is basic law based on common sense which would apply to any two persons who would have a dispute between them. **But where the officer initiates the assault by physical contact, which is usually the case, and there is an unlawful arrest,** the citizen has the right to protect his liberty to the extent of killing the officer as stated by the Supreme Court of Appeals of West Virginia: **An arrest without warrant is a trespass, an unlawful assault** upon the person, and how far one thus unlawfully assaulted may go in resistance is to be determined, as in other cases of assault. Life and liberty are regarded as standing substantially on one foundation; life being useless without liberty. And the authorities are uniform that where one is about to be unlawfully deprived of his liberty he may resist the aggressions of the offender, whether of a private citizen or a public officer, to the extent of taking the life of the assailant. **if that be necessary to preserve his own life, or prevent infliction upon him of some great bodily harm.** (*State v. Gum*, 68 W.Va. 105, 69 S.E. 463, 464 (1910))

58) The Supreme Court of Washington held that: "It is the law that a person illegally arrested by an officer may resist that arrest, even to the extent of the taking of life if his own

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life or any great bodily harm is threatened. Every man, however guilty, has a right to shun an illegal arrest by flight. The exercise of this right should not, and would not, subject him to be arrested as a fugitive. (*State v. Rousseau*, 40 Wash.2d 92, 241 P.2d 447, 449 (1952); *Porter v. State*, 124 Ga. 297, 52 S.E. 283, 287 (1905)).

59) A Federal District Court held that there is “no right given [to government] by the common law to take finger prints.” (*United States v. Kelly*, 51 Fed. 2d 263, 266 (1931))

60) In New Jersey, the Superior Court stated that the police cannot lawfully fingerprint an accused person against his will. (*State v. Cerciello*, 86 N.J.L. 309, 90 Atl. 1112, 1115 (1914))

61) Finger printing is an encroachment of the liberty of a person. It is justifiable, as is imprisonment, upon conviction for crime, in the exercise of the police powers of the state, for the purpose of facilitating future crime detection and punishment. **What can be its justification when imposed before conviction?** The very idea of booking and making a record of one's fingerprints, photographs etc. are acts commonly done to convicted criminals, and thus **implies one is a criminal**. A Federal District Court held that there is “no right given [to government] by the common law to take finger prints. (*United States v. Kelly*, 51 Fed.2d 263, 266 (1931)) The principles of Anglo-Saxon government certainly would not have sanctioned such intrusive and oppressive measures.

62) The common law drew limitations upon how and when an arrest can be made, and so **all arrests have to be grounded on common law standards**. One limitation often transcended is the sufficient cause required for a felony arrest or breach of peace: No one, whether private person or officer, has any right to make an arrest without warrant in the absence of actual belief, based on actual facts creating probable cause of guilt. Suspicion

without cause can never be an excuse for such action. The two must both exist, and be reasonably well founded. (*People v. Burt*, 51 Mich. 199, 202, 16 N.W 378 (1883)).

TENNESSEE UNLAWFUL ARREST and FALSE IMPRISONMENT

63) After completing a private purchase transaction July 11, 2017, at Buddy Greg RVs and Motor Homes in Knoxville, Tennessee, offenders Parker Still, Esquire, Jimmy Durand, Jason Pack, Joelle Vehec, Mr. Blaine and others physically assaulted and unlawfully arrested, detained, and false imprisoned Remonstrant.

64) The offenders used the South Carolina statewide misdemeanor traffic related bench warrant that had been disposed of two years earlier to arrest Remonstrant July 11, 2017. Knoxville County Sheriff used the same disposed of South Carolina statewide misdemeanor bench warrant to arrest and put Remonstrant in their system July 12, 2017 – calling Remonstrant a fugitive from justice.

65) Offenders Knoxville County Sheriff again used the South Carolina statewide misdemeanor traffic related bench warrant to re-arrest Remonstrant July 13, 2017 after magistrate Rowe ordered offenders to release Remonstrant. They ignored magistrate Rowe's order and continued to unlawfully detain Remonstrant for the FBI and US Attorney offenders.

66) FBI and US Attorney Offenders arrested Remonstrant July 27, 2017 and Heather-Ann: Tucci:Jarraf July 26, 2017 using a fraudulent fictitious signed district court arrest warrant.

67) All that is necessary to establish false imprisonment is that Remonstrant and Heather-Ann:Tucci:Jarraf were restrained of their liberty without any legal cause or justification. The

lack of malice, the presence of good faith, or the presence of probable cause do not affect the existence of the wrong when the detention is unlawful. Remonstrant was forcibly deprived of his liberty. The good intent of the offenders, or the fact that they believed they had probable cause for believing that an offense was committed, and may allege to have acted in good faith, does not justify or excuse the trespass. But we know they didn't believe they were acting in good faith or that they had probable cause because they used a two-years prior disposed of traffic related bench warrant from another geographical jurisdiction (South Carolina) to arrest Remonstrant July 11, **2017** in Knoxville, Tennessee. The Tennessee Knoxville County Sheriff used the disposed of South Carolina traffic related bench warrant to arrest Remonstrant July 12, 2017 and called Remonstrant a fugitive from justice knowing the South Carolina traffic warrant had a disposition date of July 17, **2015** – disposed of two years earlier – and it was outside their geographical jurisdiction. The Knox Sheriff re-arrested Remonstrant July 13, 2017 after Tennessee's General Sessions Court Magistrate Rowe issued an order to release Remonstrant July 13, 2017 which the sheriff ignored. They used fictitious signed district court warrants to arrest Remonstrant a fourth time July 27, 2017 and to arrest Heather-Ann:Tucci:Jarraf July 26, 2017. They knew exactly what they were doing. It was a planned conspiracy. It was their intent to deceive and induce belief in the falsity of their statements and to mislead the grand jury and trial jury. While 18 U.S.C. § 1001 does not require an intent to defraud, the offenders most certainly had an intent to defraud. They knowingly and willfully deprived Remonstrant and Heather-Ann:Tucci:Jarraf of freedom, liberty, and property by means of deceit. They acted deliberately with full knowledge the

goal was to false imprison Remonstrant and Heather-Ann:Tucci:Jarraf by whatever means necessary.

AUTHORITIES—ARREST and FALSE IMPRISONMENT

68) Any deprivation by one person of the liberty of another without his consent, constitutes an imprisonment, and **if this is done unlawfully, it is false imprisonment**, without regard to whether it is done with or without probable cause. (Mahan v. Adam, 144 Md. 355, 124 Atl. 901, 905 (1924))

69) It has been said that an unlawful detention or imprisonment does not become lawful because done out of ignorance of law. (35 Corpus Juris Secundum, “False Imprisonment,” § 7, p. 630)

70) In Crosswhite v. Barnes, it was stated that the **arresting officer must have the warrant with him, “and must show it on request.”** It cited a number of authorities in support of this such as the following: In the annotator’s summary of a note in 42 L.R.A. at page 682, it is said: “An accused person, if he demands it, **is entitled to have the warrant** for his arrest shown to him **at the time of arrest**. (Crosswhite v. Barnes, 139 Va. 471, 124 S.E. 242, 245 (1924))

71) In a suit for false imprisonment where several officers arrested the plaintiff on grounds he committed a felony, the Supreme Judicial Court of Massachusetts held **the officers had no right to decide to detain the plaintiff to enable them to make a further investigation of the charge against him**. The Court declared that: But having so arrested him, it was their [the officers] duty to take him before a magistrate who could determine whether or not there

was ground to hold him. It was not for the arresting officers to settle that question. The arresting officer is in no sense his guardian, and **can justify the arrest only by bringing the prisoner before the proper court**, that either the prisoner may be liberated or that further proceedings may be instituted against him. (Keefe v. Hart, 213 Mass. 476, 100 N.E. 558, 559 (1913))

72) In a case where one was accused by another of stealing a watch, and subsequently arrested and put in jail for one hour and then released, **the sheriff was found guilty of false imprisonment** as he “failed to take the person arrested before a magistrate.” The Supreme Court of Indiana upheld the conviction stating that: **The power of detaining a person arrested, or restraining him of his liberty, is not a matter within the discretion of the officer making the arrest.** (Harness v. Steele, 64 N.E. 875, 878 (1902); Stromberg v. Hansen, 177 Minn. 307, 225 N.W. 148, 149 (1929))

73) The Court stated that the sheriff cannot legally hold the person arrested in custody for a longer period of time than is reasonably necessary, under all the circumstances of the case, without possessing a proper warrant or taking him before a magistrate. **If he does it is false imprisonment.** Thus where a sheriff had arrested two prisoners and detained them for five hours without making any effort to take them before a magistrate, he was guilty of false imprisonment. In this case the Supreme Court of Idaho said: The rule seems to be that an officer arresting a person on criminal process who omits to perform a duty required by law, such as taking the prisoner before a court, **becomes liable for false imprisonment.** (Madsen v. Hutchison, Sheriff, et al., 49 Idaho 358, 290 Pac. 208, 209 (1930))

74) The law never allows an officer at his discretion to imprison the person arrested or detain him in a jail after arrest: We have no doubt that **the exercise of the power of detention does not rest wholly with the officer making the arrest**, and that he should, within a reasonable time, take the prisoner before a circuit, criminal, or other judicial court. ••

-In a case where the arrest is made under a warrant, the officer must take the prisoner, without any unnecessary delay, **before the magistrate issuing it**, in order that the party may have a speedy examination, if he desires it; and in the case of an arrest without warrant the duty is equally plain, and for the same reason, to take the arrested party before some officer who can take such proof as may be afforded. (Simmons v. Vandyke, 138 Ind. 380, 37 N.E. 973, 974 (1894); citing: Ex parte Cubreth, 49 Cal. 436 (1875); Pratt v. Hill, 16 Barb, (N.Y.) 303, 307 (1853); et al.

75) **When officers assume the power to imprison without authority of law, or without any forms or processes usual and necessary to be employed, they become liable for false imprisonment.** The liberty of the citizen cannot be so far trifled with, that any constable in the land may of his own volition, commit and hold him in custody until it suits his convenience or pleasure to release him. (People v. McGurn, 341 Ill. 632, 173 N.E. 754, 757 (1930)

76) Executive officers or clerks are not to determine if a person arrested is to be held or released upon bail, or fix the amount of bail, since the power to do so is judicial. (Bryant v. City of Bisbee, 28 Ariz. 278, 237 Pac. 380, 381 (1925); State v. Miller, 31 Tex. 564, 565 (1869)

77) The power of the executive officer over a person's liberty ends with the lawful arrest, and he **never has a discretionary power to detain the person without judicial authority.** Executive officers cannot hold a person in order to complete paperwork or make out reports. Thus where a man was arrested without warrant and confined in the county jail without a commitment, the sheriff could not justify the confinement of the man by awaiting the pleasure of a deputy, or anyone else, to file a complaint. (Bowles v. Creason et al, 156 Ore. 278, 66 Pac. (2d) 1183, 1188 (1937))

78) If the plaintiff was being detained for the purpose of arrest, it was the duty of the arresting officer to take him before an examining magistrate as soon as the nature of the circumstances would reasonably permit. **The power to arrest does not confer upon the arresting officer the power to detain a prisoner for other purposes.** (Geldon v. Finnegan et al., 213 Wis. 539, 252 N.W. 369, 372 (1934))

79) Just as "good faith does not excuse an unauthorized arrest," likewise, it does not "justify an unreasonable detention and deprivation of one's liberty" caused by a failure or delay in bringing one arrested "before a magistrate." (Oxford v. Berry, 204 Mich. 197, 170 N.W. 83, 89 (1918))

80) **The Supreme Court of Ohio stated: The delivery of the plaintiff, after his arrest, into custody of another person, to be by him taken to prison, could not, we think, absolve the arresting officers from the duty required of them to obtain the writ necessary to legalize his further imprisonment.** *** If the arresting officers choose to rely on some other person to perform that required duty, they take upon themselves the risk of its

being performed; and, unless it is done in proper time, their liability to the person imprisoned is in no wise lessened or affected. (*Leger v. Warren* , 62 Ohio 5t. 500, 57 N.E. 506 (1900))

81) The accused has the right to be presented without delay, but the question of what is delay must be determined by all the facts and circumstances. Necessarily some time must elapse between the arrest and the presentment before the magistrate. (*Hicks v. Matthews*, 266 S.W.2d 846, 849 (Tex. 1954))

82) The Common Law principle is that an officer is to present the person arrested “without delay” to a magistrate. This means **no delay of time is allowed which is not incident to the act of bringing the accused to a magistrate.** The cause of this breach of duty arises from the officer’s total failure to act, or failure to act timely. If he does not act diligently, he may not act timely. **A reasonable time is not when the officer has free time, but means promptly, immediately, and without delay,** as soon as the circumstances permit. It was stated in an earlier case in New York that: **[It was the duty of the officer making the arrest to convey the prisoner immediately before the nearest magistrate.** (*Green v. Kennedy*, 48 N.Y. Rep. 653, 654 (1871))

83) “It has been the practice of legislatures and courts to establish set times of 24, 36, or 48 hours for the delay allowed from the time of arrest until presented to a magistrate. Such measures are blatant acts of tyranny, as anyone can see that if such power exists to allow a delay of 24 hours, then the power also exists to delay in 72 hours or 168 hours. The Common Law Rule nullifies the exercise of such arbitrary power.” (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 58)

84) A person confined in jail, by virtue of a void warrant, may lawfully liberate himself, by breaking the prison, using no more force than is necessary to accomplish this object. A void process is no process. The complainant, the justice of the peace who ordered him to be committed, the sheriff who executed the pretended warrant, and the jailer who held him under it, are all liable for false imprisonment. This is the undoubted doctrine of the common law from the time of the Marshalsea case, 10 Co. 68 to this day. (The State of Connecticut against Leach, 7 Conn. Rep. 452 (1829))

85) In a case involving a man arrested on a warrant which had an insufficient affidavit, the Supreme Court of Illinois stated: “The majority of the court are of the opinion that the affidavit being insufficient, the prisoner was improperly deprived of his liberty, and he was justified in asserting the right to his freedom, guaranteed to him by the constitution and the law, by refusing to submit to the warrant. In breaking away from the officer’s custody, he committed no offense. The rule, as found in treatise upon criminal law, is, that whenever an imprisonment is so far irregular, that it is no offense in the prisoner to break from it by force, and it will be no offense in the officer to suffer him to escape. (Housh v. The People, 75 ILL. Rep. 487, 491 (1874))

LACK OF FBI JURISDICTION

86) The FBI did not have jurisdiction to arrest Remonstrant. The FBI has no lawful authority. It was not lawfully created. In addition, 18 U.S. Code § 3052. **Powers of Federal Bureau of Investigation** states – “...agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under

the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States...” The offenders served a two years prior disposed of South Carolina traffic warrant not issued under the authority of the United States – not within their geographical jurisdiction – and not in their possession at the time of the arrest.

87) The South Carolina traffic related bench warrant the FBI offenders used as the predicate to arrest Remonstrant July 11, 2017 has a disposition date of July 17, 2015. It was disposed of two years earlier. It was outside the jurisdiction of the FBI. It was outside the territorial jurisdiction of the United States. It was not issued under the authority of the United States and there was no offense committed against the United States. The offenders did not use the word felony in the indictment or warrants so they clearly did not believe a felony was committed by Remonstrant or Heather-Ann:Tucci:Jarraf .

LACK OF US ATTORNEY JURISDICTION

88) The US Attorneys did not have jurisdiction to prosecute the case against Remonstrant and Heather-Ann:Tucci:Jarraf. They did not act as prosecutors representing the people. They acted as attorneys-at-law representing the corporate United States of America.

89) 28 U.S. Code § 516.**Conduct of litigation reserved to Department of Justice**

...the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested... The party/plaintiff was not the nation, an agency of the nation, or an officer. It was the corporation United States of America and it did not have standing. The United States of America was not a true party in interest.

90) 28 U.S. Code § 547. Duties

United States Attorney shall prosecute for all offenses against the United States; prosecute or defend for the government all civil actions... Remonstrant and Heather-Ann:Tucci:Jarraf did not commit an offense against the United States and the case file reflects that.

LACK OF SUBJECT MATTER and PERSONAL JURISDICTION

91) The United States Constitution prescribes what the jurisdiction of the Federal government is by the enumerated powers. This is the extent of the jurisdiction of the United States government. It is only in these areas that a crime or offense against the United States can exist, and this is so only when Congress actually passes a law in one of the areas within their eighteen tasks enumerated. An act committed within a State cannot be made an offense against the United States, unless it has some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. (United States v. Fox, 95 U.S. 670, 672 (1877))

The Federal Courts only have jurisdiction in matters involving an “offense against the United States, and nothing can be an offense against the United States unless it is made so by Congressional act pursuant to the U.S. Constitution. There is no other source from which Congress can get authority to make law.

There are many reasons why the United States District Court for the Eastern District of Tennessee did not have subject matter or personal jurisdiction:

- Subject matter jurisdiction can never be presumed, waived, or granted by mutual

consent of the parties. The court did not have statutory or common law authority to hear the case. There was no competent fact witness. There was no complaint. There was no one to testify by affidavit or in person with **firsthand** knowledge of the facts.

■ The plaintiff (USA) did not have standing. Sean O'Malley of the New York Federal Reserve Bank made it clear – “**there was no loss to the U.S. government.**” (Heather-Ann:Tucci:Jarraf Cross-examination of Sean O'Malley, Trial Transcript Volume 4, P. 18, Line 12-13 – Exh. #26.1, #26.2)

■ The US Attorney and FBI offenders said the “victim,” was USAA Bank, but they misled and confused the jury into believing the United States of America was the injured party. Neither United States of America nor USAA Bank suffered an injury that would give rise to a cause of action.

■ Perpetrator and conspirator Cynthia F. Davidson admitted to the grand jury that Remonstrant was a “bonafide” purchaser. She said, “**Because that was a, you know, a bona fide purchaser.**” (Grand Jury Transcript, Page 40, Line 11-15)

Bona Fide Purchaser - A purchaser in good faith for valuable consideration and without notice. **One who acts without** covin, **fraud, or collusion.** (Black's Law Dictionary, 4th Edition, P. 224)

■ District court Offenders took personal jurisdiction by force. The Offenders did not have a lawful arrest warrant and Remonstrant and Heather-Ann:Tucci:Jarraf did not consent to be detained, transported, and imprisoned. Remonstrant and Heather-Ann:Tucci:Jarraf were kidnapped using fraudulent fictitious signed district court arrest warrants.

■ The indictment was the result of testimony from one FBI agent who

committed aggravated assault against Remonstrant. He did not have firsthand knowledge of any wrongdoing. He did not investigate any wrongdoing. And he did not have jurisdiction under 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation).

■ 18 U.S. Code § 3041. **Power of courts and magistrates**

“For any offense against the United States...” Remonstrant and Heather-Ann:Tucci:Jarraf did not commit an offense against the United States or United States of America. The case file reflects this fact. The offenders make it clear their “victim” was USAA Bank – not United States of America or United States. Sean O’Malley of the New York Federal Reserve Bank testified under oath there was no loss to the government which means no standing. (Trial Transcript Volume 4, P.18, Line 12-13)

■ Offenders Cynthia Davidson and Anne-Marie Svolto said they charged Remonstrant and Heather-Ann:Tucci:Jarraf with a felony but the indictment does not reference a felony charge or felonious conduct. (Exh. #21)

■ Offender C. Clifford Shirley was assigned to make a recommendation with regard to jurisdiction. However, C. Clifford Shirley was a magistrate judge and **magistrate judges handle misdemeanor cases – NOT felony cases**. If a magistrate judge is not qualified to try a felony case he/she certainly would not be qualified to make a jurisdiction determination regarding a felony case. No decision made by C. Clifford Shirley regarding the alleged “felony” case is valid to include: the detention hearing denial, temporary waiver, and denial again, the jurisdiction recommendation, and any other involvement he had with the alleged “felony” case was trespass of the law.



UNITED STATES DISTRICT COURT Eastern District of Tennessee

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District Judges ▼

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Pamela L. Reeves,
Chief United States
District Judge

Thomas A. Varlan,
United States
District Judge

Travis R.
McDonough, United
States District Judge

Clifton L. Corker,
United States
District Judge

Judicial Officers

The district judges of our court are Article III judges, that is, they are appointed by the President of the United States, with approval of the Senate, under authority of Article III of the United States Constitution. They are appointed to lifetime terms.

We also have magistrate judges. They are appointed by the district judges and serve eight-year terms. Their duties are much like those of the district judges, except they do not have authority to try criminal cases, except misdemeanors. They can try civil cases by consent of the parties and do try a number of civil cases each year.

Visiting Judges

Judge Thomas B. Russell

Given “A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance” (Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409) – a magistrate judge assuming power and authority the court does not have, and a magistrate judge would not otherwise have, is absolute trespass of the law. C. Clifford Shirley was not qualified to try a felony case so he was not qualified to determine or recommend the jurisdiction of a felony case.

■ Federal question jurisdiction is one of the two ways for a federal court to gain subject matter jurisdiction over a case - 28 U.S. Code § 1331. (Exh. #8, #23) The other way is through diversity jurisdiction - 28 U.S. Code § 1332. (Exh. #8, #24) Both pertain to civil actions – not criminal. Stephen Louis Braga (author of the unauthorized appellant brief for Remonstrant) inadvertently proved the district court did not have jurisdiction when he cited

28 U.S. Code § 1331 (Exh. #23) as the authority knowing it pertained to civil actions. He had nothing else to cite because he knew the district court he worked for and advocated for did not have jurisdiction.

■ The offenders charged Remonstrant with violation of 18 U.S.C. § 1343, § 1344. § 1956 (h), and § 1957. They charged Heather-Ann:Tucci:Jarraf with violation of § 1956 (h). The offenders said their jurisdiction authority lies in 18 U.S.C. § 3231. Congress does not have the power to grant judicial authority to the district court. All district courts are Article III courts (Exh. #22) and judicial power is outlined and limited in Article III.

92) Article 1, Section 2 of the constitution states “...The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one representative...” The US population count as of July 7, 2017 was approximately 325,184,468. If you divide 325,184,468 by 30,000 there should be approximately 10,839 house representatives. Article 1, Section 5 of the constitution states “Each House shall be the Judge of the elections, returns and qualifications of its own members, and **a majority of each shall constitute a Quorum to do Business...**” There are currently 435 members of the House of Representatives. Since there is supposed to be approximately 10,839 as of July 2017 has congress ever had a quorum to do business? No. They have never had a quorum so nothing they “passed” is constitutional/lawful. Nothing!

93) The indictment cites evidence of the law. It does not cite actual law. 1 USC § 204 tell us **Codes** and Supplements **as evidence of the laws of United States** and 1 U.S. Code § 112 says “**The United States Statutes at Large shall be legal evidence of laws...**” Evidence of a law is not the law.

94) According to the Administrative Office of U.S. Courts, federal judges may interpret the law only through the judicial powers outlined in Article III of the Constitution, the plaintiff must have standing, and the district court must be authorized under Article III to hear a case brought by the plaintiff. (Exhibit #7.1 and 7.2) Not one of the criteria was met.

95) **Court of Record** -- According to 28 U.S. Code § 132(a). Creation and composition of district courts – “**a district court shall be a court of record.**” A court of record must proceed according to common law – not statute. In a court of record the judge does ministerial functions and has no discretion in a court of record.

96) Thomas A. Varlan, trial judge, said the district court had original jurisdiction pursuant to 18 U.S.C. § 3231. Section 3231 talks about committing an offense against the law which is not possible. Section 3231 is also not one of the two ways (Exh. #8) a federal court gains subject matter jurisdiction. 18 U.S.C. § 3231 is intentionally vague. One cannot commit an offense against a law. (People v. Williams, 638 N.E. 2d 207 (1st Dist.(1994)

97) There was no petition of the alleged injured party in the record of the case. (Brown v. VanKeuren, 340 Ill. 118,122 (1930).

98) Fraud was committed in the procurement of subject matter and personal jurisdiction. The fraud and money laundering charges were fabricated and the arrest warrants were fabricated as well. (Fredman Brothers Furniture v. Dept. of Revenue, 109 Ill. 2d 202, 486 N.E. 2d 893(1985)

99) There was fraud upon the court. The offenders introduced fabricated evidence to the jury like the South Carolina traffic related bench warrant that had been disposed of two years earlier, Tennessee arrest warrants that were not in legal form, and lies about Remonstrant

altering the third digit of his social security account number. (Village of Willowbrook, 37 Ill, App. 3d 393(1962)

100) Offenders Thomas A. Varlan and C. Clifford Shirley did not follow the legal process that is dictated in 28 U.S. Code § 132(a). They did not operate a court of record. (Armstrong v. Obucino, 300 Ill 140, 143 (1921)

101) Offenders Thomas A. Varlan and C. Clifford Shirley engaged in unlawful activity in violation of the code of judicial conduct. They violated § 1-206 (Presumptions) of the Uniform Commercial Code. Canon 3 of the code of judicial conduct says: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently. The judge should perform those duties with respect for others, and should not engage in behavior that is harassing, abusive, prejudiced, or biased. Offenders Thomas A. Varlan and C. Clifford Shirley had an obligation under 3 A (4) (c) to obtain the written advice of a disinterested expert on the Uniform Commercial Code (UCC). They clearly chose to knowingly violate UCC § 1-206 Presumptions.

102) The court exceeded its alleged statutory authority (28 US Code § 132(a) – Creation and composition of district courts (All district courts are courts of record/common law courts.), 28 U.S. Code § 1331- Federal question (District courts have original jurisdiction of all civil actions...” – Exh. #23), 18 U.S. Code § 3041 – Power of courts and magistrates; and constitutional authority (Article III). (Rosenstiel v. Rosenstiel, 278 F. Supp. 794 (S.D.N.Y. 1967)

103) The Tennessee district court arrest warrants used to arrest Remonstrant 7/27/2017 and Heather-Ann:Tucci:Jarraf 7/26/2017 were not properly issued. The South Carolina traffic

related bench warrant used to arrest Remonstrant 7/11/2017 was disposed of two years earlier.

104) There was no justiciable issue presented to the court through proper pleadings. No complaint, no firsthand knowledge affidavit, and no plaintiff with standing. (Ligon v. Williams, 264 Ill. App 3d 701, 637 N.E. 2d 633 (1st Dist. 1994)

105) There was no cognizable cause of action against Remonstrant or Heather-Ann:Tucci:Jarraf. There was no plaintiff with standing, no complaint, and no injury or loss. (Charles v. Gore, 248 Ill App. 3d 441, 618 N.E. 2d 554 (1st. Dist. 1993)

106) The local rules of the court regarding redaction of private identifying information (Remonstrant's social security account number) were not complied with. The judge did not act impartially. He wanted Mr. Beane's personal data exposed. (Bracey v. Warden, U.S. Supreme Court No. 96-6133(June 9, 1997)

107) The orders/judgments were based on a void order/judgment. (Austin v. Smith,312 F 2d 337, 343 (1962); English v. English, 72 Ill. App. 3d 736, 393 N.E. 2d 18(1st Dist. 1979)

AUTHORITIES - JURISDICTION

108) An indictment or complaint in a criminal case is the main means by which a court obtains subject matter jurisdiction, and is "the jurisdictional instrument upon which the accused stands trial." (Sate v. Chatman, 671 P.2d 531, 538 (Kan. 1983). The complaint is the foundation of the jurisdiction of the court. Thus if these charging instruments are invalid, there is a lack of subject matter jurisdiction.

109) Without a formal and sufficient indictment, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime. (Honomichl v. State, 333 N.W.2d 797, 798 (S.D. 1983).

110) A formal accusation is essential for every trial of a crime. Without it the court acquires no jurisdiction to proceed, even with the consent of the parties, and **where the indictment is invalid the court is without jurisdiction**. Ex parte Carlson, 186 N.W. 722, 725, 176 Wis. 538 (1922)

111) **Without a valid complaint any judgment or sentence rendered is “void ab initio.”** (Ralph v. Police Court of El Cerrito, 190 P.2d 632, 634 84 Cal. App.2d 257 (1948)

112) Jurisdiction to try and punish for a crime cannot be acquired by the mere assertion of it, or invoked otherwise than in the mode prescribed by law, and if it is not so acquired or invoked any judgment is a nullity. 22 C.J.S., “Criminal Law,” § 167, p. 202.

113) The **charging instrument** must not only be in the particular mode or form prescribed by the constitution to be valid, but it also **must contain reference to valid laws**. Without a valid law, the charging instrument is insufficient and no subject matter jurisdiction exists for the matter to be tried.

114) An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action. “Subject matter is the thing in controversy.” (Holmes v. Mason, 115 N.W. 770, 80 Neb. 454, citing Black’s Law Dictionary). Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does not exist or **does not constitutionally exist**, or where the law is

invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.

115) If a criminal statute is unconstitutional, the court lacks subject matter jurisdiction and cannot proceed to try the case. 22 C.J.S. “Criminal Law,” § 157, p. 189; citing *People v. Katrinak*, 185 Cal.Rptr. 869, 136 Cal.App.3d 145 (1982)

116) Where the offense charged does not exist, the trial court lacks jurisdiction. (*State v. Chistensen*, 329 NW.2d 382, 383, 110 Wis.2d 538 (1983))

117) Not all statutes create a criminal offense. Thus where a man was charged with “a statute which does not create a criminal offense,” such person was never legally charged with any crime or lawfully convicted because the trial court did not have “jurisdiction of the subject matter,” *State ex rel. Hansen v. Rigg*, 258 Minn. 388, 104 N.W.2d 553 (1960).

There must be a valid law in order for subject matter to exist.

118) In a case where a man was convicted of violating certain sections of some laws, he later claimed that the laws were unconstitutional which deprived the county court of jurisdiction to try him for those offenses. The Supreme Court of Oregon held: If these sections are unconstitutional, the law is void and an offense created by them is not a crime and a conviction under them cannot be a legal cause of imprisonment, for no court can acquire jurisdiction to try a person for acts which are made criminal only by an unconstitutional law. (*Kelly v. Meyers*, 263 Pac. 903, 905 (Ore. 1928)).

119) Without a valid law there can be no crime charged under that law, and where there is no crime or offense there is no controversy or cause of action, and without a cause of action there can be no subject matter jurisdiction to try a man accused of violating said law. The

court then has no power or right to hear and decide a particular case involving such invalid or nonexistent laws.

120) If there are no valid laws charged against a man, there is nothing that can be deemed a crime, and without a crime there is no subject matter jurisdiction. Further, invalid or unlawful laws make the complaint fatally defective and insufficient, and **without a valid complaint** there is a lack of subject matter jurisdiction.

121) Remonstrant asserts that the laws charged against him are not valid, and do not constitutionally exist as they do not conform to certain constitutional prerequisites, and thus are no laws at all, which prevents subject matter jurisdiction to the US District Court for the Eastern District of Tennessee.

122) There was no complaint or affidavit on July 11, 2017 when the offenders unlawfully arrested Remonstrant. Offenders jumped straight to an indictment and alleged that Remonstrant committed several crimes by iolation of certain codes:

18 U.S.C. § 1343 - Wire Fraud

18 U.S.C. § 1344 - Bank Fraud

18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering

18 U.S.C. § 1957 – Engaging in monetary transactions in property

derived from specified unlawful activity

123) While the offenders accused Remonstrant and Heather-Ann:Tucci:Jarraf of violation of the above-mentioned codes, they never accused Remonstrant or Heather-Ann:Tucci:Jarraf of violating an actual law, committing a felony, or engaging in felonious conduct.

124) These “laws” used in the indictment against Remonstrant and Heather-Ann:Tucci:Jarraf are located in the U.S. Code and are evidence of the law – not the actual law. 1 USC § 204 -- Codes and Supplements as evidence of the laws of United States. 1 U.S. Code § 112. Statutes at Large -- “The United States Statutes at Large shall be legal evidence of laws...”

125) “As this court has often said: 'Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void.' Elliott v. Peirsol, 1 Pet. 328, 340; Wilcox v. Jackson, 13 Pet. 498, 511; Hickey v. Stewart, 3 How. 750, 762; Thompson v. Whitman, 18 Wall. 457, 467.” IN RE SAWYER, 124 U.S. 200 *

126) “There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears [legislation] is meant to apply only within territorial jurisdiction of the United States” (U.S. v. Spelar, 338 U.S. 217 at 222)

127) “All legislation is prima facie territorial” (American Banana Co. v. U.S. Fruit, 213, U.S. 347 at 357-358)

128) “No sanction can be imposed absent proof of jurisdiction” (Stanard v. Olesen, 74 S. Ct. 768)

129) “Once challenged, jurisdiction cannot be ‘assumed,’ it must be proved to exist.” (Stuck v. Medical Examiners, 94 Ca2d 751.211 P2s 389)

130) "...Federal jurisdiction cannot be assumed, but must be clearly shown." (Brooks v. Yawkey, 200 F.2d 633)

131) "The law requires **proof of jurisdiction to appear on the record of the administrative agency** and all administrative proceedings" (Hagans v. Lavine, 415 U.S. 533)

132) "**If any tribunal finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed.**" (Louisville R.R. v. Motley, 211 U.S. 149, 29 S. Ct. 42)

133) Title 18 U.S.C. § 7 specifies that the "territorial jurisdiction" of the United States **extends only outside the boundaries of lands belonging to any of the 50 states.** United States Constitution, Article I, Section 8, Clause 17 - To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square)

134) For the government to punish a person because he had done what the law plainly allows him to do is a **due process violation** of the most basic sort. (US v. Guthrie, 789 F2d 356 (5th Cir. 1986)

135) "Because Federal courts are limited in jurisdiction, the presumption is that it is **without jurisdiction unless the contrary affirmatively appears.**" (Grace v. American Central Insurance Co., 109 U.S. 278

136) "**Once jurisdiction is challenged**, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, **should dismiss the action.**" Melo v. US, 505 F2d 1026.

137) "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

138) "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

139) "Court must **prove on the record, all jurisdiction facts** related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

140) "The law provides that once State and Federal **Jurisdiction** has been challenged, it **must be proven.**" Main v. Thiboutot, 100 S. Ct. 2502 (1980).

141) "Jurisdiction can be challenged at any time." and "**Jurisdiction**, once challenged, cannot be assumed and **must be decided.**" Basso v. Utah Power & Light Co., 495 F 2d 906, 910.

142) "**Defense of lack of jurisdiction** over the subject matter **may be raised at any time**, even on appeal." Hill Top Developers v. Holiday Pines Service Corp., 478 So. 2d. 368 (Fla 2nd DCA 1985)

143) "The burden shifts to the **court to prove jurisdiction.**" Rosemond v. Lambert, 469 F2d 416.

144) "A universal principle as old as the law is that a proceedings of a **court without jurisdiction** are a **nullity** and its judgment therein **without effect either on person or property.**" Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732.

145) "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846.

146) "Thus, where a judicial tribunal has **no jurisdiction** of the subject matter on which it assumes to act, its **proceedings** are absolutely **void** in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

147) "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of **depriving one of a constitutional right**, is an **excess of jurisdiction**." Wuest v. Wuest, 127 P2d 934, 937.

148) "Where a court failed to observe safeguards, it amounts to **denial of due process** of law, **court is deprived of juris**." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

149) "The fact that the petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest." Monroe v. Papa, DC, Ill. 1963, 221 F Supp 685.

AUTHORITIES - VOID JUDGMENT

150) "Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties." Wahl v. Round Valley Bank 38 Ariz, 411, 300 P. 955(1931), Tube City Mining & Millng Co. v. Otterson, 16 Ariz. 305, 146p 203(1914); and Millken v. Meyer, 311 U.S. 457, 61 S. CT. 339,85 L. Ed. 2d 278 (1940).

151) In proceedings before offender Magistrate Judge C. Clifford Shirley, Heather-Ann:Tucci:Jarraf stated “I do not have any sworn documented, verification, or validation that you legally exist, and have the authority to hold this court or to -- that this court even exists, because I've actually delivered proof to all of you, sworn, documented, verified, validated proof that they do not exist.” (Proceedings Before C. Clifford Shirley, October 18, 2017, 9:30 am to 11:24 am, P. 19, Line 12-17) Magistrate Judge C. Clifford Shirley was obligated to have a copy of his oath of office on file in his chambers and his authority to rule in a “felony” case. He did not provide it to Remonstrant and Heather-Ann:Tucci:Jarraf so he had no proof that he was, in fact, a magistrate judge (5 U.S.C. § 3331 – Oath of Office). He did not comply so he was not a judge but a trespasser upon the court. As a trespasser upon the court – upon the law – not one of his judgments, pronouncements or orders are valid. All are null and void.

152) A void judgment is a simulated judgment devoid of any potency because of **jurisdictional defects** only, in the court rendering it and **defect of jurisdiction** may relate to a party or **parties, the subject matter, the cause of action, the question to be determined,** or relief to be granted, *Davidson Chevrolet, Inc. v. City and County of Denver*, 330 P.2d 1116, certiorari denied 79 S. Ct. 609, 359 U.S. 926, 3 L. Ed 2d 629 (Colo. 1958).

153) Void judgment is one **entered by court without jurisdiction of parties or subject matter** or that **lacks inherent power** to make or enter particular order involved and such a judgment may be attacked at any time, either directly or collaterally, *People v. Wade*, 506 N.W. 2d. 954 (Ill. 1987).

154) **Void judgment under federal law is** one in which rendering court **lacked subject matter jurisdiction** over dispute **or jurisdiction over parties**, or **acted in manner inconsistent with due process of law** or otherwise **acted unconstitutionally** in entering judgment, U.S.C.A. Const. Amend. 5, *Hayes v. Louisiana Dock Co.*, 452 N.E. 2d 1383 (Ill. App. 5 Dist. 1983).

155) Void judgment is one that from its inception is a complete nullity and without legal effect, *Stidham v. Whelchel*, 698 N.E. 2d 1152 (Ind. 1998). **Relief from void judgment is available when trial court lacked either personal or subject matter jurisdiction**, *Dusenberry v. Dusenberry*, 625 N.E. 2d 458 (Ind. App. 1 Dist. 1993).

156) **Void judgment** is one which has no legal force or effect whatever, it is an absolute nullity, its **invalidity may be asserted by any person whose rights are affected** at any time and at any place and it need not be attacked directly but may be attacked collaterally whenever and wherever it is interposed, *City of Lufkin v. McVicker*, 510 S.W. 2d 141 (Tex. Civ. App. – Beaumont 1973).

157) A void judgment is one that has been **procured by extrinsic or collateral fraud**, or **entered by court that did not have jurisdiction over subject matter or the parties**, *Rook v. Rook*, 353 S.E. 2d 756 (Va. 1987).

158) Void judgments generally fall into two classifications, that is, judgments where there is **want of jurisdiction of person or subject matter**, and **judgments procured through fraud**, and such judgments may be attacked directly or collaterally, *Irving v. Rodriquez*, 169 N.E. 2d 145, (Ill. App. 2 Dist. 1960).

159) Decision is void on the face of the judgment roll when from four corners of that roll, it may be determined that at least one of the three elements of jurisdiction was absent: **(1)** jurisdiction over the parties, **(2)** jurisdiction over subject matter, or **(3)** jurisdiction power to pronounce particular judgment that was rendered, *B & C Investments, Inc. v. F & M Nat. Bank & Trust*, 903 P. 2d 339 (Okl. App. Div. 3, 1995).

160) A court must have jurisdiction of the subject matter and if it has not jurisdiction, court's judgment may be collaterally attacked, *Vargus v. Greer* (1943) 60 Ariz. 110, 131 P. 2d 818.

161) Lack of jurisdiction over the subject matter can be raised at any time, (1975) 24 Ariz. App. 582, 540 P. 2d 201. *Kelly v. Kelly*.

162) A void judgment is one which, from its inception, was a complete nullity and without legal effect, *Lubben v. Selevtive Service System Local Bd. No. 27*, 453 F2d 645 A.L.R. Fed. 298 (C.A. 1 Mass. 1972).

163) In order for a judgment to be **void**, there must be some **jurisdictional defect in the court's authority to enter the judgment**, either because the court lacks personal jurisdiction or because it lacks jurisdiction over the subject matter of the suit. *Puphal v. Puphal*, 105 Idaho 302, 306, 669 P.2d 191, 195 (1983); *Dragotoiu*, 133 Idaho at 647, 991 P.2d at 379.

164) A court may not render a judgment which **transcends the limits of its authority**, and a judgment is **void if it is beyond the powers granted to the court by the law of its organization**, even where the court has jurisdiction over the parties and the subject matter.

Thus, if a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no

application, the judgment rendered is **void**. The lack of statutory authority to make particular order or a judgment is akin to lack of subject matter jurisdiction and is subject to collateral attack. 46 Am. Jur. 2d, Judgments § 25, pp. 388-89.

165) "A judgment is **void** if the court acted in a manner inconsistent with due process. A **void** judgment is a nullity and may be vacated at any time." 261 Kan. at 862.

166) A judgment obtained without jurisdiction over the defendant is **void**. Overby v. Overby , 457 S.W.2d 851 (Tenn. 1970).

ENACTING CLAUSE

167) Mason's Legislative Manual states – "The enacting clause, which also may be called the enacting authority or enacting style, follows immediately after a bill's preamble or title and precedes the body of the bill. **It is a statement of the words declaring enactment by the proper legislative authority which every bill must contain and which are requisite to the validity of a law.** The usual introductory formula is "Be it enacted by..." (Mason's Manual of Legislative Procedure, 2010 Edition, Section 729, Page 503 – Exh. #19.5) There is no enacting clause in any of the codes listed below:

18 U.S.C. § 3231 does not have an enacting clause.

18 U.S. Code § 3231. District courts

U.S. Code	Notes
	The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.
	Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.
	(June 25, 1948, ch. 645, <u>62 Stat. 826.</u>)

18 U.S.C. § 1343 does not have an enacting clause

18 U.S. Code § 1343 - Fraud by wire, radio, or television

U.S. Code	Notes
	Whoever, having devised or intending to devise any <u>scheme or artifice to defraud</u> , or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the <u>Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)</u>), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. § 1344 does not have an enacting clause

18 U.S. Code § 1344 - Bank fraud

U.S. Code	Notes
	Whoever knowingly executes, or attempts to execute, a scheme or artifice— (1) to defraud a financial institution; or (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. § 1956 does not have an enacting clause

18 U.S. Code § 1956 - Laundering of monetary instruments

U.S. Code	Notes
	<p>(a)</p> <p><u>(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—</u></p> <p>(A)</p>

(h)Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

18 U.S.C. § 1957 does not have an enacting clause

18 U.S. Code § 1957 - Engaging in monetary transactions in property derived from specified unlawful activity

U.S. Code	Notes
	<p>(a)Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a <u>monetary transaction in criminally derived property</u> of a value greater than \$10,000 and is derived from <u>specified unlawful activity</u>, shall be punished as provided in subsection (b).</p> <p>(b)</p>

168) Offenders Thomas A. Varlan and C. Clifford Shirley could not determine it was congress who granted them jurisdiction under 18 U.S. Code § 3231 just from looking at the code because there is no enacting clause. They had to make that determination by gossip, hearsay, or simply to further their conspiracy to deprive rights. You cannot tell upon whose authority 18 U.S. Code § 3231, § 1343, § 1344, § 1956, and § 1957 was written. The U.S. code the offenders used to determine jurisdiction and the codes charged in the indictment do not have an enacting clause. A Federal law requires an enacting clause to make it a law coming from the authorized source – Congress. The object of an enacting clause is to show that the act comes from a place pointed out by the Constitution as the source of power. (Ferrill v. Keel 151 S.W. 269, 272, 105 Ark. 380 (1912))

169) Looking at the United States code there is no way to know they are public laws passed by Congress. They could be resolutions which carry no force and effect as laws. An enacting clause gives jurisdictional identity and constitutional authenticity to the law.

The enacting clause was first used by God Himself when He issued a command, directive or law. God gave Israel the Ten Commandments and Israel knew the source and authority for these laws. God said:

*I am the LORD thy God, which brought you
out of the land of Egypt, from the house of bondage.*

This is the enacting clause for the Ten Commandments. God goes on to give those laws/commandments:

Thou shalt have no other gods before me.

Thou shalt not make for yourself any graven image.

Thou shalt not take the name of the LORD thy God in vain.

Keep the Sabbath day to sanctify it.

Honour thy father and thy mother:

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbour.

Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife...

The commandments and laws were not just something Moses made up. When additional laws were given by Moses he always made a statement of authority for the laws. Israel knew the authority behind the laws. (Exodus 20:2-8; Deuteronomy 5:6-12, Deuteronomy 6:1, Exodus 35:1, Leviticus 8:5)

170) The United States, Tennessee, and South Carolina Constitution have an enacting clause:

ENACTING CLAUSE -- **The Constitution of the United States**

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic 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 United States of America.

You know exactly who the enacting authority is for the U.S. Constitution. It is **We the People!**

ENACTING CLAUSE – **Constitution of the State of Tennessee**

Whereas, The people of the state, in the mode provided by said Act, have called said convention, and elected delegates to represent them therein; now therefore, **We, the delegates and representatives of the people of the state of Tennessee**, duly elected, and in convention assembled, in pursuance of said act of Assembly have ordained and established the following Constitution and form of government for this state, which we recommend to the people of Tennessee for their ratification: That is to say

You know exactly who the enacting authority is for the Constitution of the State of Tennessee.

ENACTING CLAUSE – **Constitution of the State of South Carolina**

We, the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same.

You know exactly who the enacting authority is for the Constitution of the State of South Carolina.

171) The laws in the U.S. Code are unnamed; they show no sign of authority; they carry with them no evidence that Congress or any other lawmaking power is responsible for them. They lack the essential requisites to make them a law authorized under Article 1 of the Constitution for the United States. The criminal jurisdiction of the United States exists only by acts of Congress pursuant to the Constitution. The People are not expected or required to search through records or books for the enacting authority. If the enacting authority is not

“on the face” of the laws which are referenced in an indictment, then they are not laws. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman)

172) Congress knows there needs to be an enacting clause. They tell us here:

1 U.S. Code § 101. Enacting clause

1 U.S. Code § 101. Enacting clause

U.S. Code	Notes
	The enacting clause of all Acts of Congress shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." (July 30, 1947, ch. 388, 61 Stat. 634.)

AUTHORITIES – ENACTING CLAUSE

173) The Supreme Court of Arkansas, on several occasions, rules on the necessity of an enacting clause: As long ago as 1871, this court, in Vinsant v. Knox, 27 Ark. 266, held that the constitutional provision that the style of all bills should be, “Be it enacted by the General Assembly of the state of Arkansas,” was mandatory, and that a bill without this style was void, although otherwise regularly passed and approved. (28 Ferrill v. Keel, 151 S.W. 269, 273, 105 Ark. 380 (1912))

174) In a case in Nevada a law passed the legislature without a proper enacting clause, raising the question of whether the constitutional enacting clause was a requisite to a valid law. The Court said it was because the provision was mandatory: The said section of the Constitution is imperative and mandatory, and a law contravening its provision is null and void. If one or more of the positive provisions of the Constitution may be disregarded as

being directory, why not all? And it all, it certainly requires no argument to show what the result would be. The Constitution, which is the paramount law, would soon be looked upon and treated by the legislature as devoid of all moral obligations; without any binding force or effect; a mere “rope of sand,” to be held together or pulled to pieces at its will and pleasure. We think the provision under consideration must be treated as mandatory.

Every person at all familiar with the practice of legislative bodies is aware that one of the most common methods adopted to kill a bill and prevent its becoming a law, is for a member to move to strike out the enacting clause. If such a motion is carried, the bill is lost. Can it be seriously contended that such a bill. With its head cut off, could thereafter by any legislative action become a law. Certainly not. (*Nevada v. Rogers*, 10 Nev. 250, 255, 256 (1875); approved in *Caine v. Robbins* 131 P.2d 516, 518, 61 Nev. 416 (1942).

175) The Court of Appeals of Kentucky held a statute void for not having an enacting clause, holding that all constitutional provisions are mandatory: Certainly there is no longer room for doubt as to the effect of all provisions of the Constitution of this state. By common consent they are deemed mandatory.***No creature of the Constitution has power to question its authority or to hold inoperative any section or provision of it.***The bill in question is not complete, it does not meet the plain constitutional demand. **Without an enacting clause it is void.** (*Commonwealth v. Illinois Cent. R. Co.*, 170 S.W. 171, 175, 160 Ky. 745 (1914); *Louisville Trust Co. v. Morgan*, 203 S.W. 555, 180 Ky. 609 (1918).

176) The Supreme Court of Georgia said the use of an enacting clause is “essential,” and that without it the Act they had under consideration was “a nullity and of no force and effect as law.” (*Joiner v. State*, 155 S.E.2d 8, 10, 225 Ga. 367 (1967))

177) In 1967, the Supreme Court of Georgia held that a law without an enacting clause was null and void, even though their State constitution had no provision requiring one. They based their decision on the long standing custom of its usage. (Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967))

178) The purpose of an enacting clause in legislation is to express on the face of the legislation itself the authority behind the act and identify it as an act of legislation. (Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932)).

179) It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law. (People v. Dettenhaler, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing Swan v. Buck, 40 Miss. 268 (1866))

180) The enacting clause, sometimes referred to as the commencement or style of the act, is used to indicate the authority from which the statute emanates. Indeed, it is a custom of long standing to cause legislative enactments to express on their face the authority by which they were enacted or promulgated. (Earl T. Crawford, The Construction of Statutes, St. Louis, 1940, § 89, p. 125)

181) Enacting clauses traditionally appear right after the title and before the body of the law, and when so printed, whether on a bill or in a statute book, it is then regarded as being on the face of the law. It cannot be in some other record or book, as stated by the Supreme Court of Minnesota: If an enacting clause is useful and important, if it is desirable that laws shall bear upon their face the authority by which they are enacted, so that the people who are to obey them need not search legislative and other records to ascertain the authority, then it is

not beneath the dignity of the framers of a constitution, or unworthy of such an instrument, to prescribe a uniform style for such enacting clause. (Sjoberg v. Security Savings & Loan Assn, 73 Minn. 203, 213, 75 N.W. 1116 (1898))

182) Supreme Court of Nevada held: Our constitution expressly provided that the enacting clause of every law shall be, “The people of the state of Nevada, represented in senate and assembly, do enact as follows.” This language is susceptible of but one interpretation. There is no doubtful meaning as to the intention. It is, in our judgment, an imperative mandate of the people, in their sovereign capacity, to the legislature, requiring that all laws, to be binding upon them, shall, upon their face, express the authority by which they were enacted; and, since this act comes to us without such authority appearing upon its face, it is not a law. (State of Nevada v. Rogers, 10 Nev. 120, 261 (1875); cited with approval in: People v. Dettenhaler, 77 N.W. 450, 452, 118 Mich. 595 (1898); Kefauver v. Spurling, 290 S.W. 14, 15, 154 Tenn. 613 (1926)).

183) The Supreme Court of Arkansas, in construing what are the essentials of law making, and what constitutes a valid law, stated the following: A legislative act, when made, should be a written expression of the legislative will, in evidence, not only of the passage, but of the authority of the law-making power, is nearly or quite a self-evident proposition. Likewise, we regard it as necessary that every act, thus expressed, should show on its face the authority by which it was enacted and promulgated, in order that it should clearly appear, upon simple inspection of the written law, that it was intended by the legislative power which enacted it, that it should take effect as law. These relate to the legislative authority as evidence of the authenticity of the legislative will. These are features by which courts of justice and the

public are to judge of its authenticity and validity. These, then, are essentials of the weightiest importance, and the requirements of their observance, in the enacting and promulgation of laws, are absolutely imperative, not the least important of these essentials is the style or enacting clause. (Vinsant, Adm'x v. Knox, 27 Ark. 266, 284, 285 (1871).

184) In a case in Kansas, a man was indicted for violating a law making it unlawful to print and circulate scandals, assignations, and immoral conduct of persons. He was arrested upon an indictment and applied for his discharge upon habeas corpus alleging that the act of **the legislature was not properly published**. The act had been published several weeks before the indictment, "which publication omitted an essential part of said act, to-wit, the enacting clause." The Court held that the act was not properly and legally published at the time the indictment was found against the petitioner, nor when the acts complained of therein were done, the petitioner could not have been guilty of any crime under its provisions, and is therefore, so far as this indictment is concerned, entitled to his discharge. (In re Swartz, 27 Pac. 829, 840 47 Kan. 157 (1891).

185) There was no question involved here of whether an enacting clause was used on the bill in the legislature. The fact that the law was published without one was sufficient to render it void and invalid. Thus a publication of an act omitting the enacting clause is not a valid publication of the act. If the required statement of authority is not **on the face** of the law, it is not a law that has any force and effect. **Such a published law cannot be used on indictments or complaints to charge persons with a crime for its violation**. This decision was upheld and affirmed by the Court in 1981, when it said: In re Swartz, Petitioner, 47 Kan. 157, 27 P. 839 (1891), this court found the act in question was invalid because it had been

mistakenly published without an enacting clause. We again adhere to the dictates of that opinion. Thus **whatever is published without an enacting clause is void**, as it lacks the required evidence or statement of authority. **Such a law lacks proof that it came from the authorized source spelled out in the constitution**, and thus is not a valid publication to which the public is obligated to give any credence. (State v. Kearns, 623 P.2d 507, 509, 229 Kan. 207 (1981))

186) In the law text, Ruling Case Law, is a section that deals with the requirements of statutes, and under the subheading, “Publication of Statutes,” it says: The publication of a statute without the enacting clause is no publication. (Ruling Case Law, vol. 25, “Statutes,” § 133, p. 884; citing L.R.A. 1915B, p. 1065)

187) When a law in Kentucky was claimed to be void because it was found to have no enacting clause, the Court of Appeals of Kentucky read the entire law (Chapter 68) from the statute book and then said: It will be noticed that the act does not contain an enacting clause. The alleged act or law in question is unnamed; it shows no sign of authority; it carries with it no evidence that the General Assembly or any other lawmaking power is responsible or answerable for it. (Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914))

188) The Supreme Court of South Carolina said that in order for bills to “have the force of law,” they “must have an enacting clause showing the authority by which they are promulgated.” Thus the publication of a law must display its enacting authority. (Smith v. Jennings, 67 S.C. 324, 45 S.E. 821, 824 (1903))

DENIAL OF DUE PROCESS

189) On/about July 11, 2017 Remonstrant was completing a private purchase transaction in Knoxville, Tennessee when, without warning, notice or opportunity to respond Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec, Mr. Blaine, and others infringed on Remonstrant's fundamental liberties and rights by physically assaulting and causing serious bodily injury to Remonstrant. The offenders arrested Remonstrant without a valid warrant. They did not have a sworn complaint or affidavit. They did not have witness firsthand knowledge of a crime. They unlawfully arrested Remonstrant based upon conversations with USAA Bank and used a South Carolina misdemeanor traffic bench warrant (not signed by a judge) with a disposition date of July 17, 2015 to do it. The offenders illegally and unlawfully seized private property without a seizure warrant, false imprisoned Remonstrant, denied Remonstrant a probable cause hearing, and denied Remonstrant a detention/bail hearing. Remonstrant was denied due process of law by a proper court with a proper warrant. The Offenders violated the United States, Tennessee, and South Carolina Constitutions, ICCPR Treaty, codes and statutes.

190) Remonstrant requested a copy of the arrest warrant. The offenders did not have one. The requirement of having the warrant for arrest "in actual possession" is the common law rule and thus is part of due process of law – required under Tennessee and US law.

191) Offender Parker Still claimed to be working on an affidavit based upon a presumption or belief of crime but belief does not give jurisdiction to the court to issue a warrant; and at

common law, a **constable or sheriff cannot execute a warrant outside their jurisdiction.**

An arrest for felony based upon suspicion, belief or rumor is not justified.

192) An illegal arrest is an assault and battery. The unlawful arrest, imprisonment and prosecution caused many damages, including bodily pain, great physical inconvenience and discomfort, loss of time, loss of employment and income, mental suffering, injury to reputation, distress and anguish, humiliation of mind, shame, public ridicule, invidious publicity, and public disgrace.

193) The common law is the due process of law followed, not a legislative statute, ordinance, or code and officers who do not abide by this law are trespassers and are guilty of false imprisonment.

194) Remonstrant's detention was and is without proper legal authority.

195) The arrest of Remonstrant and Heather-Ann:Tucci:Jarraf was an abuse and misuse of legal process for the purpose of carrying out a conspiracy to deprivation of rights.

196) The constitution is the "law of the land" which is due process of law. In interpreting what due process of law is, it has been held that "none of our liberties are to be taken away except in accordance with established principles." Thus the mode of arrest by which one can be deprived of his liberty is to be determined by the pre-existing common law principles and modes of procedure. A properly constituted warrant of arrest is a process at common law by which persons could lawfully be deprived of their liberty. The common law on arrest without warrant recognized only certain specific and well defined cases whereby an American could be deprived of his liberty. This cannot be abrogated or changed by the legislature. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman)

197) No one can make a lawful arrest for a crime, except an officer who has a warrant issued by a court or magistrate having the competent authority. The South Carolina warrant was issued and signed by the clerk and its authority is limited to the geographical jurisdiction of South Carolina. The district court arrest warrants are fictitious signed.

198) An American cannot be summarily deprived of his liberty because of his infraction of some ordinance or statute, unless at common law he was liable to arrest. The misdemeanor traffic statute involved in the South Carolina case is such that it did not allow the offenders to arrest Remonstrant because Remonstrant did not contract through the driver's license and it certainly would not allow arrest without the formality of a warrant – a real warrant – not a piece of paper that has warrant written at the top left. The offenders are guilty of false imprisonment for arresting Remonstrant without authority of law. The common law surrounding arrests was always recognized in this country and is thus a requirement for 'due process' in depriving Remonstrant of his liberty. It is the "law of the land." As such, these principles are constitutional mandates and cannot be abrogated by mere statutes.

199) The argument that officers are free to arrest because there is a warrant outstanding, is nullified by the requirement of law that one arresting under a warrant must show it if requested to do so, which is manifestly impossible unless he has the warrant in his possession.

AUTHORITIES – DUE PROCESS

200) Due process requires statute to be sufficiently clear so as not to cause persons of common intelligence necessarily to guess at its meaning and to differ as to its application.

(US v. Makowski, 120 F3d 1078 (9th Cir. 1997) Section 3231 (18 U.S.C. § 3231) cited as jurisdiction only addresses those who have committed an injury against the law. Is it possible to commit an injury against a law? No.

201) When government action deprives a person of life, liberty, or property without fair procedures, it violates procedural due process. (US v. Deters, 143 F3d 577 (10th Cir. 1998) Remonstrant's life was stolen without a probable cause hearing, without an investigation, and without so much as an attempt to contact Remonstrant to discuss the FBI's allegation.

202) Right to a fair trial is basic requirement of due process and includes right to unbiased judge. (Haupt V. Dillard, 17 F3d 285 (9th Cir. 1994)

203) "Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, **must be set aside**", Jaffe and Asher v. Van Brunt, S.D.N.Y.1994. 158 F.R.D. 278.

204) **A judgment rendered in violation of due process is void.** "A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732 -733 (1878). **Due process requires that the defendant be given adequate notice of the suit,** Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 -314 (1950), and be subject to the personal jurisdiction of the court, International Shoe Co. v. Washington, 326 U.S. 310 (1945)." World Wide Volkswagen v Woodsen, 444 US 286, 291 (1980); National Bank v Wiley, 195 US 257 (1904); Pennoyer v Neff, 95 US 714 (1878). Remonstrant and Heather-Ann:Tucci:Jarraf were not given notice of a complaint. There was no FBI or US Attorney investigation, interview or phone call.

205) I do not think that a person is to take it for granted that another who says he has a warrant against him, without producing it, speaks truth. It is very important that, in all cases where an arrest is made by virtue of a warrant, the warrant (if demanded, at least) should be produced. (40 A.L.R. 67, citing, Hall v. Roche, 8 T.R. 187, 101 Eng. Reprint, 1337 (1799))

206) If the officer must show the warrant, if required, then it is plain that it must be in his actual possession. It would be absurd to construe this to mean that after making the arrest the officer must, if required, take the defendant to some other place and there show him the warrant. (People v. Shanley, 40 Hun 477, 478 (N.Y., 1886))

207) A warrant must have certain requisites in order to render it valid and available as a defense. Many unlawful arrests have been made due to warrants failing to meet such requisites. **“Whenever a warrant is invalid, the officer arresting the defendants will be liable in damages.”** (51 L.R.A., 197, citing Frazier v. Turner, 76 Wis. 562, 45 N.W. 411; Carratt v. Morley, 1 Q.B. 18, 1 Gale & D. 45) The face of the South Carolina warrant clearly said ‘of the said state – South Carolina,’ and the Tennessee warrants were clearly fictitious signed – not signed by the clerk as required.

208) **Process that is void on its face is no protection to the officer who executes it. If a warrant, order, or writ of possession shows lack of jurisdiction of the court, the officer is not protected in serving it.** In fact, in so doing he becomes a trespasser. (70 American Jurisprudence, 2d Ed., “Sheriffs, Police, and Constables,” § 165, pp. 353-54)

209) Both a proper subject matter jurisdiction and geographical jurisdiction are necessary for a valid warrant. It **is generally held that where the court has no jurisdiction the officer executing a warrant will be liable in damages. The question of jurisdiction can**

be raised at any time, and since neither consent nor waiver can give jurisdiction , the court will not proceed where it appears from the record that it has no authority. (5 American Jurisprudence, 2d Ed., “Arrest,” § 7, p. 700)

210) The common law requires that an arrest made on a warrant be issued only after a formal charge is made under oath. (Morrow v. State, 140 Neb. 592, 300 N.W. 843, 845 (1941) Thus no arrest is valid unless based upon a sworn affidavit which offender Parker Still admitted he did not have at the time he arrested Remonstrant.

211) An affidavit that does not appear to have been sworn before any judicial officer, and a warrant signed only by the officer who made the arrest and not dated or authenticated, afford no lawful authority for the arrest and detention of an accused. (Liberis v. Harper, 89 Fla. 47, 104 So. 853, 855 (1925). Also see 5 Am. Jur. 2d “Arrest,” §12, p. 705)

212) In Minnesota, the State Supreme Court held that a statute permitting clerks and deputy clerks of the County Municipal Court to receive complaints and issue warrants in prosecutions under municipal ordinances is unconstitutional. The court said: “The United States Supreme Court has considered and disposed of a related problem in Camara v. Municipal Court, 387 U.S. 523 , 541. The majority in Camara nevertheless stressed the need for “individualized review” by a “neutral magistrate” to avoid the issuance of “rubber stamp” warrants. (State v. Paulick, 277 Minn. 140, 151 N.W. 2d 591, 596 (1967). Also Cox v. Perkins, 107 S.E. 863, 865 (Ga. 1921)

213) Since the taking of an affidavit in a criminal proceeding imposes a duty of a judicial nature, an affidavit taken before a clerk or prosecuting attorney is not sufficient as a basis for the issuance of a warrant. (Cox v. Perkins, 151 Ga. 632, 107 S.E. 863 (1921)

214) The complaint or charge on which a warrant is issued must set forth the facts constituting the offense on the knowledge of the person making the complaint, and if he does not know them other witnesses must be examined who do know them; and no person can be arrested on the mere belief of the person making the complaint. (2 R.C.L. “Arrest,” § 17, p. 460; citing, Brown v. Hadwin, 182 Mich. 491, 148 N.W. 693 (1914))

215) A warrant issued for a matter that is not a criminal offense is no justification for a constable who arrests upon it. A person cannot be lawfully arrested by a sheriff acting under a copy of a court order or warrant in the form required. Such copy is not valid. (5 American Jurisprudence, 2d ed., “Arrest,” § 7, p. 700; citing, Leighton v. Hall, 31 Ill. 108 (1863))

216) An affidavit based upon a presumption or belief of crime does not give jurisdiction to the court to issue a warrant; and at common law, a constable or sheriff cannot execute a warrant outside their jurisdiction. (61 American Law Reports, Annotated, pp. 377-379; Housh v. People, 75 Ill. 487 (1874))

217) “Limitations of Police Power” summarizes the following basic requisites needed to make a warrant valid: a) A warrant is to be issued by a judicial officer and signed by him, b) It must state the facts that show the matter to be within the jurisdiction of the judicial officer issuing it, c) It cannot be based upon belief or suspicion, but upon probable cause, d) The warrant is to list a complaint which is to state the offense committed and the facts that constitute a crime, e) A warrant is to contain an affidavit of the person making the charge under oath, f) It must truly name the person to be arrested or describe him

sufficiently to identify him. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman)

218) The officer is bound to know if under the law the warrant is defective, and not fair on its face, and he is liable as a trespasser if it does not appear on its face to be a lawful warrant. His ignorance is no excuse. (Tiedeman, Limitations of Police Power, p. 83, citing: Grumon v. Raymond, 1 Conn. 39; Clayton v. Scott, 45 Vt. 386)

219) It is a fundamental rule of procedure well grounded in the common law, that where an arrest is made the alleged offender is to be taken “before a magistrate to be dealt with according to law. This is not only to be done, but done without delay, or without unnecessary delay, otherwise the arresting party is liable for a false imprisonment. (Muscoe v. Commonwealth, 86 Va. 443, 447, 10 S.E. 534, 535 (1890)

220) A Federal Circuit Court of Appeals held: We are of the opinion that the law does not permit an American to consent to unlawful restraint, nor permit such a claim to be made upon the part of the defendants. In Wharton on Criminal Law, vol. I, § 751e, it is said: “No man has a right to take away another’s liberty, even though with consent, except by process of law. And the reason is, that liberty is an unalienable prerogative of which no man can divest himself, and of which any divestiture is null. (Meints v. Huntington, 276 Fed. 245, 250 (1921)

221) The fundamental constitutional guaranties of personal liberty protect private individuals is the right of enjoyment of personal freedom without unlawful restraint, and it is universally recognized that no one may be arrested except by due process of law. (2 R.C.L. 463, § 21).

222) A breach of the peace is a public offense done by violence or one causing or likely to cause an immediate disturbance of public order. Breach of the peace is a common law offense, but it is not itself a specific offense. An alleged theft is not in its nature a breach of the peace. (Radloff v. National Food Stores, 20 Wis.2d 224, 123 N.W.2d 570 (1963))

223) The procedure is the due process of law to be followed in depriving one of his liberty.

Thus a failure or even a delay in following this process is an unlawful restraint or

deprivation of liberty and thus a false imprisonment. The arresting officer has no

authority to take a person to a jail and detain him there. His duty is to take the one

arrested without delay to a court or magistrate, as said by the Supreme Court of Kansas:

The law contemplates that an arrest either by an officer or a private person with or without a

warrant is a step in a public prosecution, and must be made with a view of taking the person

before a magistrae or judicial tribunal for examination or trial; and an officer even subjects

himself to liability if there is an unreasonable delay after an arrest in presenting the person for

examination or trial. (Garnier v. Squires, 62 Kan. 321, 62 Pac. 1005, 1007 (1900))

224) Thus detainment in a jail for purposes of “booking” or fingerprinting or

investigating the alleged crime, or interrogation of the prisoner is illegal. From the

earliest dawn of the common law, a constable could arrest without warrant when he had

reasonable grounds to suspect that a felony had been committed; and he was authorized to

detain the suspected party such a reasonable length of time as would enable him to carry the

accused before a magistrate. And this is still the law of the land. The Court went on to state

that the officer making the arrest is liable for false imprisonment if he arrests with the intent

of only detaining, or if his unreasonable delay causes a detainment. It states: It cannot be

questioned that, when a person is arrested, either with or without a warrant, it becomes the duty of the officer or the individual making the arrest to convey the prisoner in a reasonable time, and without unnecessary delay, before a magistrate, to be dealt with as the exigency of the case may require. The power to make the arrest does not include the power to unduly detain in custody; but, on the contrary, is coupled with a correlative duty, incumbent on the officer, to take the accused before a magistrate as soon as he reasonably can. If the officer fails to do this, and unreasonably detains the accused in custody, he will be guilty of a false imprisonment no matter how lawful the original arrest may have been. Thus, where a person arrested is taken to a jail or sheriff's office and detained there, with no warrant issued before or after the arrest, it is false imprisonment. The one arresting has "a duty to immediately seek a magistrate," and that the failure to do so, "makes a case of false imprisonment" as a matter of law, is held by all the authorities. (Citing, 1 Hil. Torts, pp. 213-14, sec. 9) Remonstrant was arrested by the FBI and taken to Knox Sheriff office and detained with no warrant.

225) It is the undoubted right on the part of a prisoner, on being arrested by a public officer or private citizen, and unquestionably a corresponding duty on the part of the one making the arrest, to take the prisoner before a court or magistrate for a hearing or examination and this must be done without unnecessary delay. The object of this right and corresponding duty is that the prisoner may be examined, held, or dealt with as the law directs and the facts of the case require. It is highly improper and an invasion of the lawful rights of the prisoner to take him to any other place than to a proper court or magistrate. (Walter H. Anderson,

A Treatise on the Law of Sheriffs, Coroners and Constables, Vol. I, § 179-80 (1941))

226) Coupled with the authority to arrest went an imperative obligation on the officer to **bring the arrested person before a magistrate** without unreasonable delay. Especially was this true where the arrest had been made without a warrant. When an officer makes an arrest, without warrant, it is his duty to take the person arrested, **without unnecessary delay, before a magistrate or other proper judicial officer having jurisdiction**, in order that he may be examined and held or dealt with as the case requires; **but to detain the person arrested in custody for any purpose other than that of taking him before a magistrate is illegal.**

(Kominsky v. Durand, 64 R.I. 387, 12 Atl.2d 652, 654, (1940))

227) **The rule of law requiring an officer or person arresting to bring the party arrested before a magistrate is the same in all states and cannot be abrogated by statute.** The same rule has been upheld in Federal courts and is prescribed under Title 18 in the Rules of Criminal Procedure: An officer making an arrest under a warrant issued upon a complaint, or any person making an arrest without a warrant, shall take the arrested person without unnecessary delay **before the nearest available federal magistrate**, or in the event that a federal magistrate is not reasonably available, before a state or local judicial officer authorized by 18 U.S.C. § 3041 (18 U.S.C.A. "Rules of Criminal Procedure," Rule 5)

228) The law requires an arresting officer to bring an accused before a magistrate "as quickly as possible." (Greenwell v. United States, 336 Fed.2d 962, 965 (1964))

229) **The requirement of bringing an arrested person directly to a court or judge is due process of law**, and as such this procedure cannot be abrogated by statute. (Judson v.

Reardon, 16 Minn. 387 (1871); Long v. The State, 12 Ga. 293, 318 (1852); Moses v. State, 6 Ga. App. 251, 64 S.E. 699 (1909), Hill v. Smith, 59 S.E. 475 (Va.-1907); Folson v. Piper,

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192 Iowa. 1056, 186 N.W. 28, 29 (1922); Edger v. Burke, 96 Md. 715, 54 Atl. 986, 988 (1903); Bryan v. Comstock, 220 S.W. 475)

230) It is a familiar rule of law that one who abuses an authority given him by law becomes a trespasser ab initio. That is, he becomes a wrongdoer from the beginning of his actions. (Leger v. Warren, 62 Ohio St. 500, 57 N.E. 506, 508 (1900))

231) Where one fails to take a prisoner he has arrested to a proper judge, or where he causes an unreasonable delay in doing so, the officer becomes a trespasser ab initio. **The unlawful confinement by an officer makes the entire transaction, including the arrest, unlawful and a trespass.** (Great American Indemnity Co. v. Beverly, 150 F.Supp. 134, 140 (1956))

232) An officer, who has lawfully arrested a prisoner, may be guilty of false imprisonment if he holds him for an unreasonable length of time without presenting him for hearing or procuring a proper warrant for his detention. (Thomas Cooley, A Treatise on the Law of Torts, Vol. I. § 114, p. 374)

233) Nor is a police officer authorized to confine a person indefinitely whom he lawfully arrested. **It is his duty to take him before some court having jurisdiction of the offense and make a complaint against him.** Any undue delay is unlawful and wrongful, and renders **the officer himself and all persons aiding and abetting** therein **wrongdoers from the beginning.** (Ulvestad v. Dolphin et al, 152 Wash. 580, 278 Pac. 681, 684 (1929))

234) The basis of the well established procedure in law of taking a person arrested directly to a judge or court, is to avoid having the liberty of the American unjustly dealt with by extra-judicial acts of executive officers. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 53)

235) **The detainment of a person after he is arrested is a judicial question.** A judicial officer must decide if there are grounds for holding the person arrested, or whether he must be further examined by trial, or if he is to be bailed and released. To allow the executive department such powers of decision making is the epitome of despotism. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 54)

236) The due process argument in **false imprisonment** cases will nullify the statutes, rules and ordinances that are contrary to the common law rule on arrest. **No legislative act can abrogate what is the law of the land,** Otherwise there is no such thing as due process. Government has encroached upon the citizen's liberty by ignoring due process. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 60)

237) The common law allowed arrests without warrant only for known felonies and breaches Of the peace. This is a required condition under **"due process of law"** in order to arrest someone. Thus it has been said that: **Arrest without warrant, where a warrant is required, is not due process of law; and arbitrary or despotic power no man possesses under our system of government.** (*Muscoe v. Commonwealth*, 86 Va. 443, 10 S.E. 534, 536 (1890).

238) The term **"due process of law"** had a well settled meaning when the constitution was adopted. The framers thereof intended to perpetuate and secure the many principles, laws and rights, all of which could not be listed, against abrogation. Subsequent legislation cannot change the meaning or effect of this constitutional provision, and thus

cannot change the procedure by which one is to be deprived of his liberty by way of arrest.

An arrest cannot be done except by the law of the land, or due process of law. (A

Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 60)

239) The Fourth Amendment, which guarantees "the people to be secure in their persons. houses, papers and effects, against unreasonable searches and seizures," generally does not apply to arrests made without warrants, but only those made with warrants. (I Am. Law Rep., Annotation, 586; 5 Amer. Juris. 2d, "Arrest," § 2, p.697).The provision regulates how warrants are to be issued: "**no warrant shall issue, but upon probable cause, supported by oath ...**" If an arrest was made with a warrant, must follow the criteria of the Fourth Amendment otherwise it is an unlawful arrest, as the warrant would be illegal. But where there was no warrant, this provision is not applicable, rather we would apply the standards of due process of law. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 61)

PREJUDICIAL STATEMENTS

240) **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript Volume I, P. 58, Line 4-7, 12** (Exh. #13.12)

Q When a bank gets robbed, do you usually have a bank robber and a banker and a gun or some kind of weapon and cash? **You're talking about, per Ms. Svolto's opening statement, that he was robbing a bank?**

A Yes, ma'am.

There was no robbery charge yet offender Anne-Marie Svolto, in her opening statement, accused Remonstrant of robbing a bank.

241) Cynthia F. Davidson Direct Examination of Parker Still, Trial Transcript, Volume I, P. 25-26, Line 24-25, 1-2 (Exh. #13.3 and 13.4)

A All of a sudden, we have information that Buddy Gregg is going to turn it over or he is going to leave in this motor home. So, yeah, it was similar to a **bank robbery**. I grabbed Special Agent Jimmy Durand. We literally run towards the door.”

Offender Parker Still told the trial jury that being given the keys to a motor home lawfully purchased was similar to a bank robbery. There was no bank robbery charge.

242) Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript Volume I, P. 57-58, Line 24-25; 1-3 (Exh. #13.11 and 13.12)

A I think we’re getting a little off track here. I mean, you know, **when an FBI gets a call that a bank is getting robbed**, we don’t sit there and say, “Hey, do you know” – I mean, we don’t ask a million questions. We go. That’s what we did today or did then.”

Again, there was no bank robbery charge.

243) “We have subsequently learned that possibly, again, speculating, that that comment meant, “Military Operations,” to try to remove Mr. Beane from the Knox County Detention Center. That’s what, again, what I deduct.” (Grand Jury Transcript, P. 56-57, Line 25; 1-3) While offender Parker Still said he was speculating, he knowingly made the statement to mislead the trial jury.

There is no evidence in the record of a military operation jail break. Offender Jeffrey Sutton repeated offender Parker Still’s testimony about Mrs. Tucci:Jarraf “planning military operations” to remove Mr. Beane from the detention center in his appellate opinion – knowing offender Parker Still said he was speculating to the grand jury. (Appellate Opinion, P. 4, ¶ 2)

244) Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker Still – Trial Transcript, Volume I, Pg. 63, line 20-25

...Buddy Gregg, it's my understanding as a -- that Buddy Gregg provided that information to one of our task force officers who relayed that information to me that he was leaving in the motorhome. And you know what? When we got there, he was leaving in the motorhome. Pretty good information. **Stolen motorhome.**

There was no charge for a stolen motorhome. Buddy Gregg RVs & Motor Homes handed Remonstrant the keys because Remonstrant made a lawful purchase.

245) The offenders accused Mrs. Tucci:Jarraf of not being a “licensed” attorney’ and therefore practicing law without a license when they knew Mrs. Tucci:Jarraf made no attempt to practice law before a court as a BAR attorney or attorney-at-law/officer of the court. They knew Mrs. Tucci:Jarraf cancelled her BAR membership and became a lawyer/attorney doing legal work outside the courtroom. They accused her of illegally practicing law without a license when they know there is no license requirement. (Grand Jury Transcript, P. 20, Line 2-9; P. 52, Line 6-8; Trial Transcript, Volume I, P. 37, Line 13-18) **“The practice of law cannot be licensed by any state/State.”** (Schware v. Board of Examiners, United State Reports 353 U.S. pages 238, 239.)

246) They accused Remonstrant of having an “outstanding” and “active” South Carolina arrest warrant knowing South Carolina had disposed of the traffic related misdemeanor bench warrant two years earlier.

247) Offender Parker Still hinted Remonstrant may be involved in terrorist activity to inflame the jury. He stated – “We don’t know anything else about, you know what his

ultimate intent with that. It's 45 feet. You know, you can imagine our – what, you know – the possibilities are unlimited.” (Exh. #13.2 and #13.3) This statement was meant to be inflammatory. No one from the FBI or US Attorney office contacted Remonstrant to discuss intentions regarding the motor home or anything else. Remonstrant was not interviewed by the FBI or the US Attorney. Had they bothered to interview Remonstrant they would have known Remonstrant's intentions.

DENIAL OF APPEAL

248) Remonstrant and Heather-Ann:Tucci:Jarraf had the right to present their appeal. (Exh. #14, #15) While offender Jeffrey Sutton wrote in his appellate opinion “...all defendants, whether lawyers or not, have a right to represent themselves—what amounts to the right to reject counsel and to confront the government alone,” (United States Court of Appeals for the Sixth Circuit, Opinion, Sutton, Circuit Judge, P.5, ¶ 4 – Exh. #17.3) **he DENIED this right** to Remonstrant and Heather-Ann:Tucci:Jarraf and appointed two attorneys at law/officers of the court, Stephen Louis Braga and Denis G. Terez, without the consent of Remonstrant or Heather-Ann:Tucci:Jarraf. (Exh. #16.1, #16.2)

RELIEF SOUGHT

249) No man or woman can administrate property without right.

A) I, Randall-Keith:Beane, claim trespass did cause wrong and harm. (theft of property, serious bodily injury)

B) I, Randall-Keith:Beane, require the immediate restoration of property. (Property refers not only to physical goods and the fruit of one's labor but also encompasses rights, life, liberty, and the pursuit of happiness.)

C) I, Randall-Keith:Beane, claim trespass did cause wrong or harm to Heather-Ann:Tucci:Jarraf and require immediate restoration of her property. (Property refers not only to physical goods and the fruit of one's labor but also encompasses rights, life, liberty, and the pursuit of happiness.)

D) Investigate, impeach, and criminally charge each of the offenders named and unnamed for felony kidnapping, trafficking, false imprisonment, and other violations.

CONCLUSION

250) July 11, 2017 Remonstrant, Randall-Keith:Beane, was engaged in a private business transaction at Buddy Gregg RVs & Motor Home in Knoxville, Tennessee when he was suddenly ambushed by FBI Special Agent Parker Still, Esq., FBI Special Agent Jimmy Durand, FBI Special Agent Jason Pack, FBI Special Agent Joelle Vehec , sheriff deputy Blaine, Jaron Patterson (FBI), D.T. Harnett (FBI), and other unknown assailants.

251) Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were kidnapped in July 2017 and have been subjected to unlawful imprisonment and restraint, assault and battery, false imprisonment, and are in federal custody in violation of the law.

252) Remonstrant submits this habeas corpus petition of remonstrance to demand to be restored.

253) This habeas corpus petition of remonstrance is presented because Remonstrant and Heather-Ann:Tucci:Jarraf were taken into custody without due process using fraudulent arrest warrants. Remonstrant and Heather-Ann:Tucci:Jarraf were framed for a crime the offenders manufactured as part of their conspiracy to false imprison Remonstrant and Heather-Ann:Tucci:Jarraf.

254) District courts are Article III courts of record. Offenders Thomas A. Varlan and C. Clifford Shirley did not operate a court of record. The court acted under “codes” not law. Remonstrant and Heather-Ann:Tucci:Jarraf were not tried in an Article III court of record. Offenders Thomas A. Varlan and C. Clifford Shirley fraudulently concealed their jurisdiction under color of law. (Exh. #22) The FBI, US Attorney, District Court, Appellate Court and others were in on the fraud and concealment. They all knew there was no subject matter jurisdiction and no personal jurisdiction but they kept quiet. “Silence can only be equated with fraud when there is a legal or moral duty to speak, or when an inquiry left unanswered would be intentionally misleading...We cannot condone this shocking conduct..If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately. (U.S. v. Tweel, 550 F.2d 297, 299-300 (1977)

255) Subject matter jurisdiction was fraudulently acquired through the FBI. The FBI did not have jurisdiction to investigate the matter and therefore could not pass jurisdiction on to the Department of Justice and the District Court.

256) Remonstrant declares offenders Thomas A. Varlan and C. Clifford Shirley did not make it clear if they were addressing Remonstrant the man, or the all caps corporate legal fiction. Remonstrant is not a legal fiction or person. He is a man who is false imprisoned.

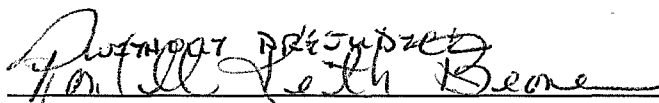
257) Remonstrant declares he has seen no sworn complaint or affidavit from a competent fact witness with firsthand knowledge to lawfully assert a charge against Remonstrant. The plaintiff is a corporation and did not prove injury, loss, or standing.

258) Because the employees of the FBI are required to record all activity and information in the Sentinel system case file from inception to conclusion, you are able to review the actions taken by the FBI agents – as well as the actions not taken.

259) Remonstrant instructs representatives to issue HABEAS CORPUS, investigate the reasons why Remonstrant and Heather-Ann:Tucci:Jarraf are unlawfully held in custody and under restraint, void the Tennessee district court judgment, and expunge the Tennessee and South Carolina case and record.

260) Please confirm the S. Robinson complaint and this habeas corpus remonstrance were forwarded to the insurance/bonding/liability company for each of the offenders/perpetrators/coconspirators. If not, please forward their contact information to me.

Without Prejudice, All Rights Reserved,

A handwritten signature in cursive script, appearing to read "Randall-Keith:Beane", written over a horizontal line.

Autograph: Randall-Keith:Beane, Remonstrant
Living soul – A man – under God

CONTACT INFORMATION

Randall-Keith:Beane

Reg. #52505-074

FCI Elkton

P.O. Box 10

Lisbon, Ohio (44432)

Phone: 330-420-6200

Copy to: (1) Randall-Keith:Beane

Reg. #52505-074
FCI Elkton
P.O. Box 10
Lisbon, Ohio (44432)
USPS Priority #9114 9012 3080 3100 9033 63

(2) Heather Ann Tucci-Jarraf
Reg. #86748-007, FCI Dublin
Address Unknown

(3) Ms. Crawford

Attachment: The details of the case is summarized in a March 11, 2021 complaint. Please go to I-UV.com to read the March 11, 2021 322 page grievance complaint and 164 pages of attachments filed by S. Robinson and others – posted March 23, 2021.

MASON’S MANUAL 2010 (Exh. #19.1)

1. “A petition is a written document, addressed to the legislative body in which it is to be presented, containing a title or designation of the petitioner of the subject matter to be presented, statements upon which the petitioner substantiates a claim for desired action by the legislative body, the specific request, the prayer, in which the object of the petitioner is expressed and signed by the petitioner, embodying instructions, opinions or a request to a legislative body to exercise its authority with reference to any matter either of a public or private nature.” (Sec. 148.2, Pg. 115)
2. “Being organic in character, constitutional provisions stand on a higher plane than statutes and are mandatory.” (Sec. 7.1, Pg. 17 – Exh. #19.2)
3. “A legislature may enact any laws that state or federal constitutions do not prohibit.” (Sec. 7.3, Pg. 18 – Exh. #19.3)
4. “**...an act will be invalidated where there is fraud or bad faith.**” (Sec. 16, Pg. 25 – Exh. 19.4)
5. “The common law of parliamentary procedure is founded upon well-established and reasonable usage. It does not rest upon mere custom but upon reasonable and equitable custom. ‘What is not reason is not law’ may be said with reference to the

common law of order in deliberative bodies, as well as to the common law of the land.” (Sec. 35, Pg. 29)

6. **“There must be no fraud or trickery or deception causing injury. As in other situations, a person is liable for damage or injury intentionally or negligently caused to another.” (Sec. 43, Pg. 38)**
7. “is a part of the common law.” (Sec. 44.1, Pg. 39)
8. “A public body cannot delegate its powers, duties or responsibilities to any other person or groups, including a committee of its own members.” (Sec. 51, Pg. 46)
9. “The people of each state are vested with sovereign authority, expressed by their elected representatives serving in a legislature. Thus, legislative power is absolute and unlimited except as restrained by constitution.” (Sec. 73, Pg. 62)
10. “A legislative body can ratify only such actions of its officers, committees or delegates as it had the right to authorize in advance. It cannot ratify or make valid anything done in violation of the constitution.” (Sec. 443.2, Pg. 294)
11. “No motion or measure is in order that conflicts with the constitution of a state or the U.S. Constitution or with treaties of the United States, and if such a motion or measure be adopted, even by a unanimous vote, it is null and void.” (Sec. 517.1, Pg. 353)
12. “The power of any legislative body to enact legislation or take final action requiring the use of discretion cannot be delegated to a minority, to a committee, to officers or members, or to another body.” (Sec. 518.1, Pg. 354)
13. “The **enacting clause**, which also may be called the enacting authority or enacting style, **follows immediately after a bill’s preamble or title and precedes the body of the bill**. It is a statement of the words declaring enactment by the proper legislative authority which every bill must contain and which are **requisite to the validity of a law**.” (Sec. 729, Pg. 503 – Exh. #19.5)
14. The **legislature has the power to investigate any subject** regarding which it may desire information in connection with the proper discharge of its function to enact, amend or repeal statutes or to perform any other act delegated to it by the constitution. (Sec. 795.2, Pg. 561 – Exh. #19.6)

Emoluments Violations of Statutable Plunder

- 1) 18 U.S. Code § 241. Conspiracy against rights
- 2) 18 U.S. Code § 242. Deprivation of rights under color of law
- 3) 42 U.S. Code § 1985. Conspiracy to interfere with civil rights
- 4) 18 U.S. Code § 643. Accounting generally for public money
- 5) 18 U.S. Code § 1951. Interference with commerce by threats or violence
- 6) 18 U.S. Code § 2236. Searches without warrant
- 7) 18 U.S. Code § 1621. Perjury generally
- 8) 18 U.S. Code § 1623. False declarations before grand jury or court
- 9) 31 USC § 3730 – False Claims
- 10) 18 USC § 1341 – Frauds and Swindles
- 11) 18 USC § 514 – Fictitious Obligations
- 12) 18 USC § 1952 – Racketeering
- 13) 18 U.S. Code § 1581 (a). Peonage; obstructing enforcement
- 14) 18 U.S. Code § 1583 (a)(1). Enticement into slavery
- 15) 18 U.S. Code § 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor
- 16) 18 U.S. Code § 1001. Statements or entries generally (Fraud upon the Court)
- 17) 28 U.S. Code § 4101 (1). Defamation
- 18) 28 U.S. Code § 453. Oaths of justices and judges – Breach of Oath of Office
- 19) 25 CFR § 11.411 – Criminal trespass
- 20) Tennessee Code 39-14-405 – Criminal trespass

International Covenant on Civil and Political Rights (ICCPR) Treaty signed by United States of America;

- (a) Article 8 – Prohibits Slavery and Servitude
- (b) Article 9 – Requires any Deprivation of Liberty to be according to law
- (c) Article 9.3 and 9.4 – Restricts Pre-trial Detention

(d) Article 11 – Prohibits the use of Imprisonment as a Punishment for Breach of Contract

(e) Articles 1-27 – Bill of Rights

EXHIBITS

- Exh. #1 - South Carolina Traffic Arrest Warrant – Randall-Keith:Beane
- Exh. #2 - South Carolina Traffic Bench Warrant – Randall-Keith:Beane
- Exh. #3 - Jasper County, South Carolina, Public Index
- Exh. #4 - Tennessee District Court Arrest Warrant – Randall-Keith:Beane
- Exh. #5 - Tennessee District Court Arrest Warrant – Heather-Ann:Tucci:Jarraf
- Exh. #6 - 18a U.S. Code Rule 9 – Arrest Warrant on an Indictment – must be signed by the clerk.
- Exh. #7.1 - Understanding the Federal Courts – Cover Page – P. 1
- Exh. #7.2 - Understanding the Federal Courts – P. 6 - Jurisdiction
- Exh. #8 - Federal Question Jurisdiction – two ways to gain subject matter jurisdiction – both pertain to civil actions
- Exh. #9 - UCC § 1-206 – Presumptions – Trier of Fact Requirement
- Exh. #10 - UCC § 1-304 – Obligation of Good Faith
- Exh. #11.1 - Motion in Limine Order – P. 1 – to prohibit jurisdictional argument
- Exh. #11.2 - Motion in Limine Order – P. 8 – order prohibiting jurisdictional argument
- Exh. #12 - Standing – Federal Court
- Exh. #13.1 - Trial Transcript – Volume I – Cover Page
- Exh. #13.2 - Trial Transcript – Volume I – P. 24, L 25 – Stolen funds
- Exh. #13.3 - Trial Transcript – Volume I – P. 25, L 1-3 – Witness implied terrorism

- Exh. #13.4 - Trial Transcript – Volume I – P. 26, L1 – Bank robbery
- Exh. #13.5 - Trial Transcript – Volume I – P. 30, L 24 – Stolen money
- Exh. #13.6 - Trial Transcript – Volume I – P. 45, L 16 – Stolen money
- Exh. #13.7 - Trial Transcript – Volume I – P. 48, L 24-25 – Relied on USAA to tell them money was stolen
- Exh. #13.8 - Trial Transcript – Volume I – P. 49, L 1 – Stolen money
- Exh. #13.9 - Trial Transcript – Volume I – P. 53, L 25 – Money stolen
- Exh. #13.10 - Trial Transcript – Volume I – P. 54, L 1-6 – Money stolen
- Exh. #13.11 - Trial Transcript – Volume I – P. 57, L 24-25 – Bank getting robbed
- Exh. #13.12 - Trial Transcript – Volume I – P. 58, L 1-7 – Robbing a bank
- Exh. #13.13 - Trial Transcript – Volume I – P. 69, L 13-15 – Warrant is TV stuff
- Exh. #14 - Notice of Appeal – Randall-Keith:Beane
- Exh. #15 - Notice of Appeal – Heather-Ann:Tucci:Jarraf
- Exh. #16.1 - Stephen Louis Braga Appointed to Represent Randall-Keith:Beane P.1
- Exh. #16.2 - P. 2
- Exh. #17.1 - Sixth Circuit Court of Appeals Opinion – P. 1
- Exh. #17.2 - P. 4 – “planning military operations”
- Exh. #17.3 - P. 5 – “...right to represent themselves...”
- Exh. #18.1 - United States Requested Jury Instructions – P. 1
- Exh, #18.2 - P. 5 – Government does not need to prove someone was defrauded
- Exh, #19.1 - Mason’s Manual – 2010 Edition
- Exh. #19.2 - Section 7.1 (Constitutional Requirements) – P. 17

- Exh. #19.3 - Section 7.3 (Constitutional Requirements) – P. 18
- Exh. #19.4 - Section 16 (Fraud Will Invalidate Acts) – P. 25
- Exh. #19.5 - Section 729 (Enacting Clause) – P. 503
- Exh. #19.6 - Section 795 (Investigations) – P. 561
- Exh. #20.1 - United States of America, Inc. - Corporation
- Exh. #20.2 - The United States of America, Inc. - Corporation
- Exh. #21 - Feloniously Defined – Bouvier’s Law Dictionary
- Exh. #22 - Judicial Officers – District Court, Article III Judges
- Exh. #23 - 28 U.S. Code § 1331 - Federal question – civil actions
- Exh. #24 - 28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy...
- Exh. #25.1 - Laws of the United States of America – Cover Page
- Exh. #25.2 - Page 74 - Article 13 - Title of Nobility
- Exh. #26.1 - Trial Transcript – Volume IV – Cover Page
- Exh. #26.2 - Trial Transcript – Volume IV – P. 18, L 12-13 –Sean O’Malley –
New York FRB – No loss to government
- Exh. #27.1 - Appellate Jurisdiction – Bouvier’s Law Diction
- Exh. #27.2 - Appeals from district to the circuit court takes place generally in civil
causes of admiralty or maritime jurisdiction.



Randall-Keith:Beane Habeas Corpus and Void Judgment Petition of Remonstrance

1 message

Sat, Jul 31, 2021 at 2:39 PM

To: "russell.humphrey@capitol.tn.gov" <tammy.letzler@capitol.tn.gov>
Cc: rep.sam.mckenzie@capitol.tn.gov, sen.richard.briggs@capitol.tn.gov

Hello Clerk Russell Humphrey and Clerk Tammy Letzler:

Because the US Postal Service did not update its system to show "delivered" status for the tracking numbers below, we are emailing the Habeas Corpus and Void Judgment Petition of Remonstrance and Motion to Expunge the Case and Record to ensure you receive it and that it is recorded:

USPS Tracking Number: 9114 9012 3080 3100 8742 12 (Russell Humphrey – Clerk – Tennessee General Assembly – Senate)

USPS Tracking Number: 9114 9012 3080 3100 8742 36 (Tammy Letzler – Clerk – Tennessee General Assembly – House)

PLEASE respond to Randall-Keith:Beane:

Randall-Keith:Beane
Reg. #52505-074
FCI Elkton
P.O. Box 10
Lisbon, Ohio (44432)
Phone: (330) 420-6200

Thank you.

2 attachments

 **1-RKB Habeas Corpus Remonstrance.pdf**
2672K

 **2-RKB HCR ATTACHMENTS.pdf**
3526K

ARREST WARRANT

2014A2720200234

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

THE STATE
against

14-907

Randal Keith Beane

Address: 3283 Grays Hwy

Ridgeland, SC 29936-

Phone: SS

Sex: M Race: Height:

ORI#: SC0270200

Ridgeland Police Department

Prosecuting Officer: Jason Stone - 0048

Offense: Resisting / Resisting Arrest; Oppose or resist law
enforcement officer serving process or making

Offense Code: 0326

Code/Ordinance Sec: 16-09-0320(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

Defendant: Randal Keith Beane

10/13/2014

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
265 Russell Street
Po Box 248
Ridgeland, SC 299360248

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

Personally appeared before me the affiant Jason Stone

who

being duly sworn deposes and says that defendant Randal Keith Beane

did within this county and state on or about 10/13/2014

violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Ridgeland)

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on October 13, 2014 in the city/county of Jasper, Town of Ridgeland, one Randal Keith Beane did knowingly and willfully
oppose and/or resist the lawful arrest by a law enforcement officer, or the defendant did knowingly and willfully assault, beat and/or
wound a law enforcement officer while resisting arrest. Defendant was stopped by Ridgeland Police for a traffic violation. Defendant
refused to provide police with identification information and physically resisted police after being placed under arrest.

NOT Made Under Penalty of Perjury

NOT Signed Under Oath

NOT Sworn

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

Affiant's Address P.O. Box 1119

Ridgeland, SC 29936-

Affiant's Telephone (843)726-7530

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: [Signature]
DATE: 5-7-2020

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/13/2014

defendant Randal Keith Beane

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Ridgeland

) as set forth below:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant
herebefore forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time
soon thereafter as is practicable

Sworn to and subscribed before me

on 10/13/2014

(L.S.)

Signature of Issuing Judge

Thomas L. Seagins

Judge Code: 6563

Judge's Address One Town Square

Ridgeland, SC 29936-1119

Judge's Telephone (843)726-7500

Issuing Court: ☐ Magistrate ☒ Municipal☐ Circuit

Exh. #1

THE STATE OF SOUTH CAROLINA
COUNTY OF JASPER

**BENCH WARRANT
FAILURE TO APPEAR**

THE STATE
VS.
Randal Keith Beane

2014GS2700554

2014A2720200234

Resisting / Resisting Arrest; Oppose or resist
law enforcement officer serving process or
making arrest

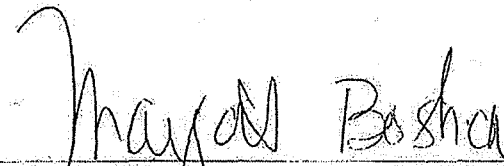
To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers of the said State Greeting:


WHEREAS, at the Term of Court of General Sessions County Court for the County aforesaid, it was among other things Ordained
that a Bench Warrant should be issued for the arrest of Randal Keith Beane

THESE ARE, THEREFORE, to command you and every one of you to make diligent search after the said above named and him
to take and safely keep until he be delivered to the keeper of the Common Jail of the County or discharged by due course of law. And
this shall be a good and sufficient warrant for you doing so, and for the keeper of said Jail receiving said above named from you and
keeping him safely until he be discharged by due course of law.

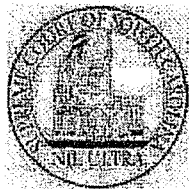
WITNESS, Margaret Bostick, Clerk of Court of General Sessions and Common Pleas for the County of Jasper,

April 17, 2015.


Clerk of Court of General Sessions and Common Pleas

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY SC
BY: 
DATE: 4-17-2015

Exh. #2



Jasper County Fourteenth Judicial Circuit Public Index



Jasper County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Switch View

The State of South Carolina VS Randal Keith Beane

Case Number:	2014A2720200234	Court Agency:	General Sessions	Filed Date:	10/14/2014
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Failure to Appear	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Failure to Appear				
Disposition Date:	07/17/2015	Date Received:	10/14/2014	Arrest Date:	10/13/2014
Law Enf. Case:	14-907	True Bill Date:	11/20/2014	No Bill Date:	
Prosecutor Case:		Indictment Number:	2014GS2700554	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Beane, Randal Keith	3283 Grays Hwy Ridgeland SC 29936		M	1967	Defendant		10/14/2014
<input checked="" type="checkbox"/> Beane, Randall	3283 Grays Hwy Ridgeland SC 29936		M		Bond Entity		12/12/2014
<input checked="" type="checkbox"/> Hughes, Robert Milton(Inactive)	PO Box 388 Ridgeland SC 29936				Defendant Attorney		11/18/2014
Stone, Jason	P.O. Box 1119 Ridgeland SC 29936				Officer		10/14/2014
Toporek, Matthew Alexander	PO Box 187 Ridgeland SC 29936				Solicitor		10/15/2014

Exh. #3

UNITED STATES DISTRICT COURT

RECEIVED BY: RLDATE: 7/20/17 TIME: 0630

SEALED

for the

Eastern District of Tennessee

AUG 13

U.S. MARSHAL EITH
KNOXVILLE, TN

SEALED

United States of America

v.

RANDALL KEITH BEANE

Defendant

Case No. 3:17-CR-82

ARREST WARRANT

SEALED

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) RANDALL KEITH BEANE

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

the defendant, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, signals and sounds including funds he did not own, via wire, all in violation of Title 18, United States Code, Section 1343, devised a scheme to defraud financial institutions and to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of financial institutions by means of false and fraudulent pretenses, representations, and promises, in order to obtain money and property fraudulently, in violation of Title 18, United States Code, Section 1344, did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to commit money laundering, in violation of Title 18, United States Code Sections 1956 and 1957

Date: 07/20/2017City and state: Knoxville, TN

Issuing officer's signature

U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 7-20-17, and the person was arrested on (date) 7-27-17
 at (city and state) Knox Co. TN

Date: 7-27-17

Arresting officer's signature

Printed name and title

Exh. #4

FID# 10365588

1774-0720-2481-J

FBI/STL

UNITED STATES DISTRICT COURT

RECEIVED BY: LOJ

for the

DATE: 7-26-17 TIME: 0830

Eastern District of Tennessee

U.S. MARSHAL E/TN
KNOXVILLE, TN

SEALED

SEALED

United States of America

v.

Case No. 3:17-CR-82

HEATHER ANN TUCCI-JARRAF

Defendant

ARREST WARRANT

Case No: 1:17-mj-531

Assigned To: Magistrate Judge Deborah A. Robinson

Date Assigned: 7/26/2017

Description: Arrest Warrant (Rule 40)

To: Any authorized law enforcement officer:

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) HEATHER ANN TUCCI-JARRAF

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment ☐ Superseding Indictment ☒ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

the defendant, did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury to commit money laundering in violation of Title 18, United States Code Sections 1956 and 1957.

Date: 07/26/2017City and state: Knoxville, TN[Signature]
Issuing officer's signature[Signature]
U.S. Magistrate Judge[Signature]
Printed name of clerk

Return

This warrant was received on (date) 7-26-17 and the person was arrested on (date) 7-26-17
 at (city and state) _____

Date: 7-26-17[Signature]
Arresting officer's signature

Exh. #5

[Signature]
Printed name and title

FID#10365908

1774-0720-2495-J

18a U.S. Code Rule 9. Arrest Warrant or Summons on an Indictment or Information

U.S. Code Notes

(a) ISSUANCE.

The court must issue a warrant—or at the government's request, a summons—for each defendant named in an indictment or named in an information if one or more affidavits accompanying the information establish probable cause to believe that an offense has been committed and that the defendant committed it. The court may issue more than one warrant or summons for the same defendant. If a defendant fails to appear in response to a summons, the court may, and upon request of an attorney for the government must, issue a warrant. The court must issue the arrest warrant to an officer authorized to execute it or the summons to a person authorized to serve it.

(b) FORM.

(1) Warrant. The warrant must conform to Rule 4(b)(1) except that it must be signed by the clerk and must describe the offense charged in the indictment or information.

(2) Summons. The summons must be in the same form as a warrant except that it must require the defendant to appear before the court at a stated time and place.

(c) EXECUTION OR SERVICE; RETURN; INITIAL APPEARANCE.

(1) Execution or Service.

(A) The warrant must be executed or the summons served as provided in Rule 4(c)(1), (2), and (3).

(B) The officer executing the warrant must proceed in accordance with Rule 5(a)(1).

(2) Return. A warrant or summons must be returned in accordance with Rule 4(c)(4).

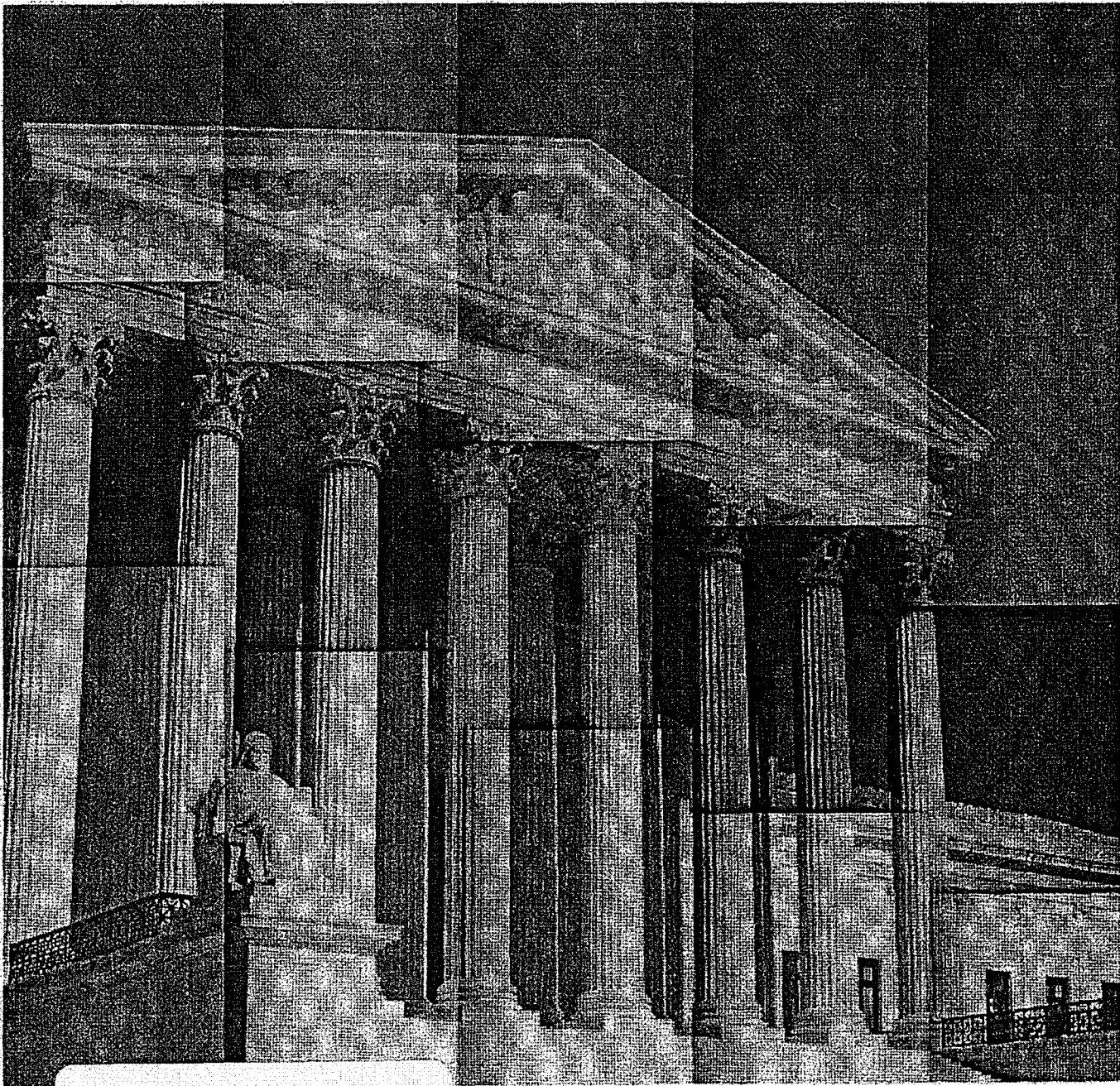
(3) Initial Appearance. When an arrested or summoned defendant first appears before the court, the judge must proceed under Rule 5

(d) WARRANT BY TELEPHONE OR OTHER MEANS.

In accordance with Rule 4.1, a magistrate judge may issue a warrant or summons based on information communicated by telephone or other electronic means.

Exh. #6

UNDERSTANDING THE FEDERAL COURTS



Exh. #7.1

ADMINISTRATIVE OFFICE OF THE U.S. COURTS

THE JURISDICTION OF THE FEDERAL COURTS

Before a federal court can hear a case, or exercise its jurisdiction, certain conditions must be met.

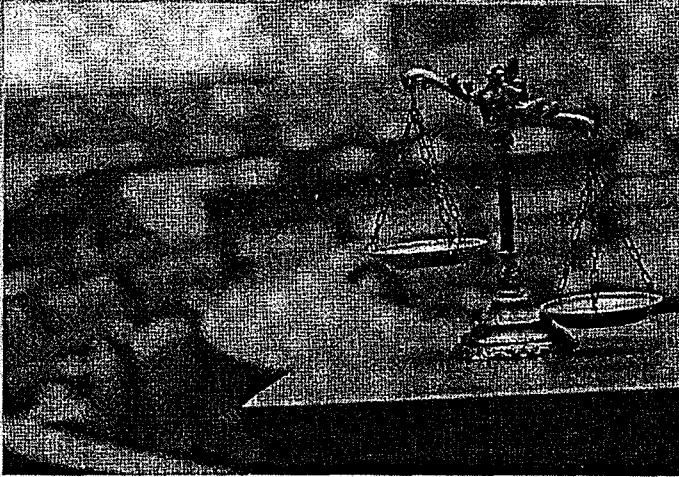
First, under the Constitution, federal courts exercise only "judicial" powers. This means that federal judges may interpret the law only through the resolution of actual legal disputes, referred to in Article III of the Constitution as "Cases or Controversies."

A court cannot attempt to correct a problem on its own initiative, or to answer a hypothetical legal question.

Second, in an actual case or controversy, the plaintiff in a federal lawsuit also must have legal "standing" to ask the court for a decision. That means the plaintiff must have been aggrieved, or legally harmed in some way, by the defendant.

Third, the case must present a category of dispute that the law in question was designed to address, and it must be a complaint that the court has the power to remedy. In other words, the court must be authorized, under the Constitution or a federal law, to hear the case and grant appropriate relief to the plaintiff.

Finally, the case cannot be "moot," that is, it must present an ongoing problem for the court to resolve. The federal courts, thus, are courts of "limited" jurisdiction because they may only decide certain types of cases as provided by Congress or as identified in the Constitution.



Although the details of the complex web of federal jurisdiction that Congress has given the federal courts is beyond the scope of this brief guide, it is important to understand that there are two main sources of the cases coming before the federal courts: "federal question" jurisdiction and "diversity" jurisdiction.

In general, federal question jurisdiction arises in cases that involve the U.S. government, the U.S. Constitution or federal laws, or controversies between states or between the United States and foreign governments. A case that raises such a "federal question" may be filed in federal court. Examples of such cases might include a claim by an individual for entitlement to money under a federal government program such as Social Security, a criminal prosecution by the government that alleges someone violated a federal law, or a challenge to actions taken by a federal agency.

A case also may be filed in federal court based on the "diversity of citizenship"

Exh. #7.2

Federal Question Jurisdiction

Overview

Federal question jurisdiction is one of the two ways for a federal court to gain subject-matter jurisdiction over a case (the other way is through diversity jurisdiction).

Generally, in order for federal question jurisdiction to exist, the cause of action must arise under federal law. More specifically, however, there are both constitutional and statutory requirements that must be met before jurisdiction can be found.

Interpreting "Arising Under" - Constitutional Requirement

Under Article III of the Constitution, federal courts can hear "all cases, in law and equity, arising under this Constitution, [and] the laws of the United States..." US Const, Art III, Sec 2. The Supreme Court has interpreted this clause broadly, finding that it allows federal courts to hear any case in which there is a federal ingredient. Osborn v. Bank of the United States, 9 Wheat. (22 U.S.) 738 (1824).

28 USC 1331 - The Statutory Component

For federal question jurisdiction to exist, the requirements of 28 USC 1331 must also be met. This statute gives federal courts jurisdiction only to those cases which "aris[e] under" federal law. 28 USC 1331. This requirement has been found to be narrower than the requirements of the constitution. The Supreme Court has found that a "suit arises under the law that creates the cause of action," American Well Works v. Layne, 241 US 257 (1916), and therefore, only suits based on federal law, not state law suits, are most likely to create federal question jurisdiction, Louisville & Nashville R. Co. v. Mottley, 211 U.S. 149 (1908).

Well-Pleaded Complaint Rule

Typically, in order to have federal question jurisdiction, the plaintiff's complaint must be a well-pleaded one. This means that the plaintiff's initial complaint must contain the references to the federal question and the federal issue evoked. The federal question and issue cannot arise in an anticipated defense, it must be presented from the initial complaint. This requirement was established in Louisville & Nashville R. Co. v. Mottley, and as such it is often referred to as the "Mottley Rule."

Grable Test

Another test that courts will often use to determine federal question jurisdiction is called the Grable Test, established in Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing. This is a two-part test

Exh. #8

§ 1-206. Presumptions.

Whenever the Uniform Commercial Code creates a "presumption" with respect to a fact, or provides that a fact is "presumed," the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.

Exh. #9

§ 1-304. Obligation of Good Faith.

Every contract or duty within the Uniform Commercial Code imposes an obligation of good faith in its performance and enforcement.

< § 1-303. Course of Performance, Course of Dealing, and Usage of Trade. up § 1-305. Remedies to be Liberally Administered. >

Exh. #10

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL KEITH BEANE and
HEATHER ANN TUCCI-JARRAF,

Defendants.

No.: 3:17-CR-82-TAV-CCS

MEMORANDUM OPINION AND ORDER

This criminal case is before the Court on the government's Motion in Limine to Prohibit Jurisdictional Argument [Doc. 78]. This is the only motion in limine filed in this case, and the deadline for filing further motions in limine has now passed [Doc. 77 p. 2]. The Court held a final pretrial conference on January 12, at which the defendants requested additional time to review and respond to the government's motion. The Court granted this request and ordered the defendants to file any responses to the government's motion by January 16. Defendant Heather Ann Tucci-Jarraf has now filed a response brief [Doc. 86], as well as an additional filing that the Court likewise construes as a response [Doc. 81]. Defendant Randall Beane has not responded to the government's motion. For the reasons explained below, the Court will grant the government's motion in limine.

I. Standard of Review

"Motions in limine allow the Court to rule on evidentiary issues prior to trial in order to avoid delay and focus pertinent issues for the jury's consideration."

Exh. #11.1

III. Conclusion

Accordingly, the Court hereby **GRANTS** the government's Motion in Limine to Prohibit Jurisdictional Argument [Doc. 78]. It is therefore **ORDERED** that the defendants are prohibited from offering any evidence, testimony, or argument at trial concerning the following subjects: (1) whether this Court has subject-matter jurisdiction over these proceedings; (2) whether the United States government is defaulted, has been foreclosed, or is otherwise legally impaired; and (3) whether the United States government has legal authority to bring a prosecution of the defendants for the charged offenses.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

Exh. #11.2

Standing

Overview

Standing, or *locus standi*, is capacity of a party to bring suit in court.

Standing in State Court

A state's statutes will determine what constitutes standing in that particular state's courts. These typically revolve around the requirement that plaintiffs have sustained or will sustain direct injury or harm and that this harm is redressable.

Standing in Federal Court

At the federal level, legal actions cannot be brought simply on the ground that an individual or group is displeased with a government action or law. Federal courts only have constitutional authority to resolve actual disputes (see Case or Controversy).

In Lujan v. Defenders of Wildlife (90-1424), 504 U.S. 555 (1992), the Supreme Court created a three-part test to determine whether a party has standing to sue:

1. The plaintiff must have suffered an "injury in fact," meaning that the injury is of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent
2. There must be a causal connection between the injury and the conduct brought before the court
3. It must be likely, rather than speculative, that a favorable decision by the court will redress the injury

Further Reading

For Supreme Court decisions focusing on the "standing" issue, see, e.g., County of Riverside v. McLaughlin, 500 U.S. 44 (1991), Northeastern Fla. Chapter of the Associated Gen. Contractors v. City of Jacksonville, 508 U.S. 656 (1993) and Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992).

Exh. #12

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,

Defendants.

VOLUME I of VIII

**JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN**

January 23, 2018
9:16 a.m. to 5:00 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

CYNTHIA F. DAVIDSON, ESQUIRE
ANNE-MARIE SVOLTO, ESQUIRE
Assistant United States Attorney
United States Department of Justice
Office of the United States Attorney
800 Market Street
Suite 211
Knoxville, Tennessee 37902

**FOR THE DEFENDANT:
RANDALL BEANE**

RANDALL KEITH BEANE, PRO SE
Blount County Detention Center
920 East Lamar Alexander Parkway
Maryville, Tennessee 37904

**FOR THE DEFENDANT:
(As Elbow Counsel)**

STEPHEN G. McGRATH, ESQUIRE
9111 Cross Park Drive
Suite D-200
Knoxville, Tennessee 37923

Exh. #13.1

REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
(865) 210-6698

P.O. Box 1823

Parker Still - Direct Examination

1 there in Farragut.

2 Q Okay. Did someone from the FBI actually reach out to
3 Buddy Gregg?

4 A Yes, ma'am. It's my understanding that we did reach
5 out. Someone from our office did reach out to Buddy Gregg.

6 Q And what was your goal in reaching out to them?

7 A So if I may back up just one step there,
8 Ms. Davidson.

9 So our goal in reaching out to them, at the time, we
10 had information that the motor home was there or going to be
11 there. So in an effort to find out that additional
12 information, that's why they were reached out to, just to
13 determine where the motor home was at the time.

14 Q Okay. And were you seeking not only to find the
15 defendant, but also to protect the asset?

16 A Oh, absolutely. So, I mean, in this case, we had
17 half a mill -- half-a-million-dollar motor home. And what our
18 goal is to, a lot of times in these victim cases is, we want to
19 recover the asset for the victim. In this case, USAA is our
20 victim, and we have -- we know where the motor home is located.
21 Absolutely right.

22 We had multiple issues. One is safety. The -- if
23 Mr. Beane had gotten out on the open road, we had -- we don't
24 know. I mean, at this time, we don't know. We know he used
25 funds to purchase a -- used stolen funds to purchase an RV. We

UNITED STATES DISTRICT COURT

Exh. #13.2

Parker Still - Direct Examination

1 don't know anything else about, you know, what his ultimate
2 intent with that. It's 45 feet. You know, you can imagine
3 our -- what, you know -- the possibilities are unlimited.

4 And absolutely, we want to recover an asset for the
5 victim in any case. That's always one of our -- we want to
6 prosecute the bad guys and we want to get the assets.
7 Absolutely right. That's what the American public expects of
8 us.

9 Q Okay. And so did you learn from Buddy Gregg that the
10 defendant was coming to pick the RV up?

11 A We did. So our office is -- had information that
12 later in the day or at some time Mr. Beane would be out there
13 to purchase -- to pick that RV up. And to the point where
14 my -- at this point, I'm drafting an affidavit to put together
15 so we can go try to seize the motor home.

16 Q Okay. And did you have to act quick and go to get
17 Mr. Beane?

18 A Yeah. We did. We -- absolutely. So we had
19 information that came -- it was relayed down to me. So I'm at
20 the computer there working on this affidavit to go seize the
21 motor home. I think I'm speaking with Ms. Svolto and I
22 primarily and as you, Ms. Davidson, so we're getting this
23 information in.

24 All of a sudden, we have information that Buddy Gregg
25 is going to turn it over or he is going to leave in this motor

UNITED STATES DISTRICT COURT

Exh. #13.3

Parker Still - Direct Examination

1 home. So, yeah, it was similar to a bank robbery. I grabbed
2 Special Agent Jimmy Durand. We literally run towards the door.

3 Because, I mean, you got to understand where we're at
4 on this. We've got a motor home, an asset that is
5 potentially -- we don't know where it's going to be. And you
6 say, well, it's a 45-foot motor home. You may be able to find
7 it. I don't know. You just don't know. You don't know if
8 these things could be stripped down. A million different
9 things could happen.

10 So I literally jump up from the computer, I grab
11 Jimmy, and we start running towards the door to go out and stop
12 this transaction from taking place.

13 In the meantime, in the parking garage, we literally
14 go down our steps, I come across Special Agent Jason Pack,
15 Special Agent Joelle Vehec. I say, "Come with us. We've got
16 to get out to Buddy Gregg. We've got -- the motor home is
17 leaving." Task Force Officer Jaron Patterson is also involved,
18 and I think additional Knox County deputies were contacted all
19 in this time frame.

20 So we're out trying -- yes, we're flying down 40,
21 lights on, to get out there and stop this transaction.

22 Q Okay. And before you went out there, did you do a
23 records search to see whether or not there was an outstanding
24 warrant?

25 A Yeah. Our office did. There was -- it was

UNITED STATES DISTRICT COURT

Exh. #13.4

Parker Still - Direct Examination

1 resist?

2 A He did. He continued to resist. Even while Jimmy
3 was putting the cuffs on him at the end, he was continuing --
4 you know, ultimately, he did stop resisting once Jimmy was able
5 to get his arms -- hands behind his back.

6 Q Did you have to put him on the ground?

7 A He did. He was what we refer to as proned out. You
8 know, I mean, he was out on the concrete right there on the
9 side there.

10 Q Okay. Were you -- after he was arrested, were you
11 asked to contact anyone by the defendant's friends?

12 A Yes. I was provided a piece of paper with the name
13 Heather on it. And it contained a phone number. And at this
14 time, it was represented at the scene to us that this was an
15 attorney or someone we should call, yes, ma'am.

16 Q Okay. And I'm going to show you what's marked as
17 Government's Exhibit 1. If you look in front of you, there's
18 an exhibit folder.

19 A Okay.

20 Q And just turn to No. 1.

21 A Okay. I'm there.

22 Q Do you recognize those pictures?

23 A Yes. That is the motor home that was -- that
24 Mr. Beane was on the day that was purchased with stolen money.

25 Q Is that -- are those pictures an accurate

UNITED STATES DISTRICT COURT

Exh. #13.5

Parker Still - Cross-Examination

1 of them that we are bound by, the United States Constitution,
2 the FBI internal rules, Department of Justice, big umbrella,
3 you know, that we fall under. State of Tennessee, you know, I
4 mean, there's a lot of rules and regulations out there.

5 Q Okay. And what are the laws regarding an arrest, a
6 physical arrest and detainment? What are the actual criminal
7 rules of procedure that you are required to follow, such as a
8 warrant to be able to take that, do you have to have a warrant
9 to be able to arrest someone?

10 A No, ma'am. I can arrest someone on probable cause
11 without a warrant. I don't need a warrant to arrest someone.

12 Q Okay. But let's go into the probable cause. That
13 day, do you believe that you had probable cause that day to
14 arrest Randy Keith Beane?

15 A Without a doubt, ma'am. He is sitting in a vehicle
16 purchased with stolen money with the vehicle running. You
17 better believe I had probable cause. I saw it with my own two
18 eyes.

19 Q Okay. And you stated that you -- that there are
20 basically two ways that you receive cases. You stated, one,
21 that you receive complaints, you rely on private citizens
22 making complaints, and the second one was that -- the second
23 one was that banks and institutions are a big source of your
24 cases received. Is that correct?

25 A Yes, ma'am. That's correct. But we do receive cases

UNITED STATES DISTRICT COURT

Exh. #13.6

Parker Still - Cross-Examination

1 their career, is they go work for financial institutions.

2 Q Uh-huh. Okay. So on July 11th, let's go to that
3 date --

4 A Yes, ma'am.

5 Q -- if you would.

6 A Sure.

7 Q Now, you stated you were working on an affidavit to
8 seize this vehicle. You said it was 45 feet long. You were
9 concerned about safety if this vehicle had gotten out, you
10 know, it's 45 feet long, it could hurt someone, it could -- you
11 never know. And you wanted -- you're always there to protect?

12 A You never know. Looking to what just happened in New
13 York with somebody mowing people down, that stuff's going on
14 everywhere. We don't know. We know a vehicle is purchased
15 with stolen funds and we do not know what the intent of that
16 individual is to use with that vehicle.

17 Q So what actual information, when you were writing
18 this affidavit, okay, for the seizure of the vehicle --

19 A Right.

20 Q -- what actual information had you received that
21 there was actually a possible crime committed by Mr. Beane to
22 believe that the RV wasn't his?

23 A The information primarily from what I've stated from
24 USAA at the time. That's what we were relying on, that
25 information from USAA that is telling us that their money has

UNITED STATES DISTRICT COURT

Exh. #13.7

Parker Still - Cross-Examination

1 been stolen.

2 Q Was there a complaint filed so it's in writing or was
3 this just a phone conversation?

4 A No. So we got some -- we had some written
5 information from USAA, and then we -- I believe I was
6 referencing back to my 302, again that -- the memorandum, where
7 I'm actually on the phone. We're conducting an interview with
8 Mr. Brown, at this time who you're referencing, to get all that
9 information, yes, ma'am.

10 Q Okay. So you found out about the funds approximately
11 the 10th?

12 A Uh-huh.

13 Q And on the 11th, you didn't have any kind of written
14 report from USAA, just that someone had stolen their money.

15 A We had just some -- some basic facts that were
16 provided to us by USAA in a document, yes, ma'am.

17 Q In a document?

18 A Yes, ma'am.

19 Q And that document is what document?

20 A I believe.

21 Q On USAA letterhead or --

22 A I think it was attached to an e-mail from USAA.
23 Again, and I followed up with an interview.

24 Q Uh-huh. And what was this attachment?

25 A There was some notes I know, like I was describing,

UNITED STATES DISTRICT COURT

Exh. #13.8

Parker Still - Cross-Examination

1 Q Please just answer the question --

2 A No. I'll --

3 Q -- yes or no, was the first time that you met Randall
4 on July 11th when your teams passed him out of the vehicle?
5 Was that the first time?

6 A The first time we ever met Mr. Beane was on
7 July 11th.

8 Q When you pulled him out of the RV. Is that correct?

9 A When I -- when we -- when we removed him from an RV
10 purchased with stolen money that was running.

11 Q Okay. I asked you, is that correct? And I can
12 appreciate --

13 THE COURT: Was the first time you met Mr. Beane was
14 when you approached him and took him out of the RV on or around
15 July 11th?

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: All right. Go on to the next question.

18 MS. TUCCI-JARRAF: Thank you.

19 BY MS. TUCCI-JARRAF:

20 Q Okay. I want to keep this very --

21 A Oh, no, ma'am. I'm just -- I'm here to answer your
22 questions.

23 Q Okay.

24 A I'm happy to do so, as long as you want to ask them.

25 Q Okay. So at no other time prior to that had you

UNITED STATES DISTRICT COURT

Exh. #13.9

Parker Still - Cross-Examination

1 actually tried to figure out whether that money could possibly
2 be Mr. Beane's?

3 A We had information from USAA, ma'am, that we --
4 credible, reliable information from their financial
5 investigators that this money was stolen. That's what we were
6 working with at the time.

7 Q Okay.

8 A Uh-huh.

9 Q So then I have a question for you, if your -- I get
10 your experience regarding investigating crimes.

11 A Sure.

12 Q Trying to locate them, I appreciate that.

13 A Yes, ma'am.

14 Q More than you could know. My question is, is how
15 familiar are you with actual banking, as far as how banking
16 actually works, money transactions actually work, the inner
17 workings of banking? Have you ever worked for a bank?

18 A No, ma'am. I have never worked for a bank.

19 Q Okay. Have you ever been an attorney in private
20 capacity, as far as a consultant or any other for a bank?

21 A You know, I did work some for a -- I did some work
22 for a bank. I don't know -- I wouldn't go as far as saying I
23 was in-house counsel or anything like that. But I have done
24 work for a bank, yes, ma'am.

25 Q Okay.

UNITED STATES DISTRICT COURT

Exh. #13.10

Parker Still - Cross-Examination

1 they literally went in, took this man out because he believed
2 that USAA Bank was a victim based off of the information.
3 We're trying to determine what information they had in order to
4 arrest Randall Beane without any kind of warrant at that point.

5 THE COURT: All right. I'll overrule the objection,
6 since we've gone down this line. Maybe we can finish it up.
7 But go ahead.

8 MS. TUCCI-JARRAF: Thank you.

9 THE COURT: Answer the question to the extent you
10 can.

11 THE WITNESS: Yes, Your Honor.

12 Ma'am, the general understanding of the ACH transfer
13 system and a Fedwire, is that your question?

14 BY MS. TUCCI-JARRAF:

15 Q My question is, just what is your general
16 understanding -- because were you the one that made the call to
17 go and arrest -- well, to arrest, we'll just say at this point,
18 to arrest Randall Beane and seize the vehicle? Were you the
19 one that made that call?

20 A You know, I think we -- I spoke to the U.S.
21 Attorney's Office to let them know what we were on the way to
22 do, yes, ma'am. I -- so I guess, yeah, I did. I was letting
23 know the U.S. Attorney's Office.

24 I think we're getting a little off track here. I
25 mean, you know, when an FBI gets a call that a bank is getting

UNITED STATES DISTRICT COURT

Exh. #13.11

Parker Still - Cross-Examination

1 robbed, we don't sit there and say, "Hey, do you know" -- I
2 mean, we don't ask a million questions. We go. That's what we
3 did today or did then.

4 Q When a bank gets robbed, do you usually have a bank
5 robber and a banker and a gun or some kind of weapon and cash?
6 You're talking about, per Ms. Svolto's opening statement, that
7 he was robbing a bank? I'm asking you, because it appears from
8 what you have said that you believed that he had stolen money
9 using a transfer system that unless you are inside the Federal
10 Reserve Banking System and the IT source code dealing with the
11 source code and all that, most people don't know what it is.

12 A Yes, ma'am.

13 Q I'm asking you, because you are the one that
14 supposedly made the call, except for what inference you just
15 tried to make that U.S. attorneys might have some
16 responsibility as --

17 A No.

18 Q -- to the events that day, but that you made the call
19 to go in and arrest what you believed was the criminal to
20 protect what you believed at the time was the victim.

21 You stated that because of documents you had
22 received, which were IP coding and their e-mail, which we don't
23 know what was in it, but that they had been robbed, something
24 to that effect, that you believed that Randall Beane was
25 already a criminal and that the money could not have been his,

UNITED STATES DISTRICT COURT

Exh. #13.12

Parker Still - Cross-Examination

1 to jail.

2 Q Did you ever provide a copy of that alleged South
3 Carolina outstanding warrant to Ms. Davidson or anyone on
4 the -- at the DOJ?

5 A You know, I would have to look back on it. What we
6 normally do is we turn our file -- our discovery file over to
7 the prosecutors.

8 Q Okay. On July 11th, prior to or at any moment, did
9 you ever present a warrant to Mr. Beane or the other
10 unidentified male and unidentified female that you found in
11 that vehicle? Did you ever present an actual paper warrant or
12 electronic warrant to any of those three?

13 A No, ma'am. And I -- I don't -- I mean, that's -- I
14 think that's some of TV stuff where we serve people, put a
15 warrant in their hands. You know, that's -- I don't -- that's
16 just not general practice where you would, you know, serve
17 someone -- hand someone a warrant, generally.

18 Q Okay.

19 A I'm not saying it doesn't happen. I'm just saying,
20 you know, the fact that we -- you know, we've made -- you know,
21 we have -- it's a team effort. We rely on information that is
22 provided to us, and we go out and we do our jobs. And on that
23 day --

24 Q Sorry.

25 A Oh, go ahead.

UNITED STATES DISTRICT COURT

Exh. #13.13

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

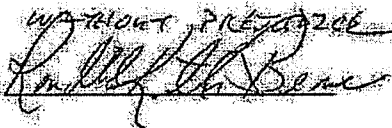
RANDALL KEITH BEANE

No. 3:17-cr-82-01

NOTICE OF APPEAL

Notice is hereby given that Randall Keith Beane hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Final Judgment entered in this action on 24th day of July, 2018.

Defendant's signature

up about 7:15 PM 7/20/18


Exh. #14

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

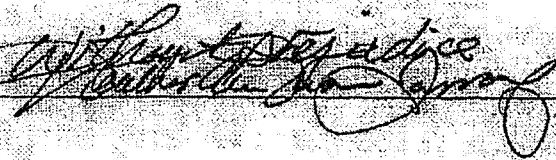
Case No. 3:17-CR-82-02

HEATHER ANN TUCCI-JARRAF

NOTICE OF APPEAL

Notice is hereby given that Heather Ann Tucci-Jarraf, hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Final Judgment entered in this action on the 17th day of July, 2018.

Defendant's signature



Exh. #15

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: September 14, 2018

Mr. Stephen Louis Braga
University of Virginia
Appellate Litigation Clinic
580 Massie Road
SL-251
Charlottesville, VA 22903

Re: Case No. 18-5777, *USA v. Randall Beane*
Originating Case No. : 3:17-cr-00082-1

Dear Counsel,

This confirms your appointment to represent the defendant in the above appeal under the Criminal Justice Act, 18 U.S.C. § 3006A.

You must file your appearance form and order transcript within 14 days of this letter. The appearance form and instructions for the transcript order process can be found on this court's website. Please note that transcript ordering in CJA-eligible cases is a two-part process, requiring that you complete both the financing of the transcript (following the district court's procedures) and ordering the transcript (following the court of appeals' docketing procedures). Additional information regarding the special requirements of financing and ordering transcripts in CJA cases can be found on this court's website at <http://www.ca6.uscourts.gov/criminal-justice-act> under "Guidelines for Transcripts in CJA Cases."

Following this letter, you will receive a notice of your appointment in the eVoucher system. That will enable you to log into the eVoucher system and track your time and expenses in that system. To receive payment for your services at the close of the case you will submit your voucher electronically via eVoucher. Instructions for using eVoucher can be found on this court's website. Your voucher must be submitted electronically no later than 45 days after the final disposition of the appeal. *No further notice will be provided that a voucher is due.* Questions regarding your voucher may be directed to the Clerk's Office at 513-564-7078.

Exh. #16.1

Finally, if you become aware that your client has financial resources not previously disclosed or is no longer eligible for appointed counsel under the Criminal Justice Act, please contact the Clerk or Chief Deputy for guidance.

Sincerely yours,

s/Ken Loomis
Administrative Deputy
Direct Dial No. 513-564-7067

cc: Mr. Randall Keith Beane
Mr. Bryant L. Crutcher
Ms. Cynthia F. Davidson
Mr. John L. Medearis
Ms. Anne-Marie Svolto

Exh. #16.2

RECOMMENDED FOR FULL-TEXT PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 19a0251p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

HEATHER ANN TUCCI-JARRAF (18-5752); RANDALL
KEITH BEANE (18-5777),

Defendants-Appellants.

Nos. 18-5752/5777

Appeal from the United States District Court
for the Eastern District of Tennessee at Knoxville,
No. 3:17-cr-00082—Thomas A. Varlan, District Judge.

Decided and Filed: September 24, 2019

Before: SUTTON, COOK, and THAPAR, Circuit Judges.

COUNSEL

ON BRIEF: Dennis G. Terez, Beachwood, Ohio, for Appellant in 18-5752. Stephen L. Braga,
UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, Virginia, for Appellant in
18-5777. Anne-Marie Svolto, UNITED STATES ATTORNEY'S OFFICE, Knoxville,
Tennessee, for Appellee.

OPINION

Exh. #17.1

SUTTON, Circuit Judge. Faced with financial challenges and rising unpaid bills, the individual has two legal options: shed the debts through the humbling act of filing for bankruptcy or find a new source of assets. Randall Beane, with Heather Tucci-Jarraf's assistance, tried to find a new source of assets: an alleged trust fund of government money in his

Nos. 18-5752/5777

United States v. Tucci-Jarraf, et al.

Page 4

persuade them that he rightfully owned the money he was spending. Her assurances worked, and the bank stopped cancelling the payments.

But just for a while. By then, as it happens, a federal investigation had begun. On July 11, federal officers learned that Beane planned to drive off the dealership lot in his new motor home. Officers rushed to the scene, arriving just as Beane started the engine. He refused to exit the vehicle, and agents had to remove him. One of the motor home's other occupants provided officers with Tucci-Jarraf's phone number and requested that they contact her. On the phone, Tucci-Jarraf claimed that she was "planning military operations." R. 162 at 37. Officers arrested her in Washington, D.C., where she had gone after contacting the Secret Service to request a meeting with the President.

Beane and Tucci-Jarraf responded to their arrests with a flood of frivolous motions. They demanded hearings on their own identities, the identities of the arresting officers, and the identity of the presiding judge. They asserted that United States courts cannot hold anyone "except by their own consent" and that the United States (a tad more plausibly) is a "bankrupt corporation." R. 61 at 29, 61. They submitted hundreds of pages of pointless Uniform Commercial Code filings, allegedly related to something called "The One People's Public Trust." R. 18. They mailed the court an itemized bill seeking payment of over \$46 quintillion dollars. On and on it went. Concerned that such conduct might confuse a jury, the judge granted a motion in limine that barred the defendants from raising similar arguments at trial.

Beane and Tucci-Jarraf asked to represent themselves. The judge held a hearing for each of them, complete with the standard-issue inquiries and cautions about self-representation. The defendants provided some unusual answers, but after an extended colloquy the judge concluded that they had knowingly and intelligently waived their right to counsel. He granted their requests. As a safeguard, he granted their request to appoint standby counsel, who can help the defendant during the trial and who can take over if the judge ends the defendant's self-representation. *See McKaskle v. Wiggins*, 465 U.S. 168, 176-78 (1984).

The defendants did their best. They cross-examined the government's witnesses, introduced evidence, testified on their own behalf, and used their closing statements to justify

Exh. #17.2

Nos. 18-5752/5777

United States v. Tucci-Jarraf, et al.

Page 5

their worldview. But their best was not good enough. The jury convicted Beane of bank and wire fraud, 18 U.S.C. §§ 1343, 1344, and both defendants of conspiracy to commit money laundering, *id.* § 1956(h).

The court sentenced Beane to 155 months and ordered him to pay over a half-million dollars in restitution. The court sentenced Tucci-Jarraf to 57 months.

II

Beane and Tucci-Jarraf have had second thoughts about representing themselves. On appeal, they argue that the trial judge should have saved them from themselves. No cause for reversal has been shown.

The right to counsel of the Sixth Amendment has paternalistic and libertarian components to it. On one side, all defendants have the right to counsel in criminal cases, along with the right to have the government appoint counsel if the defendant cannot afford it, all to the end of ensuring that the government does not remove someone's liberty to live freely in society without sound legal representation. U.S. Const. amend. VI; *see Gideon v. Wainwright*, 372 U.S. 335, 344 (1963). On the other side, all defendants, whether lawyers or not, have a right to represent themselves—what amounts to the right to reject counsel and to confront the government alone. *See Faretta v. California*, 422 U.S. 806, 817–18 (1975). Vindication of the goals of the second option often comes at the expense of the goals of the first.

Look no further than one reality of self-representation to see the tension. While the Sixth Amendment guarantees a minimum level of competence that all criminal defense lawyers must meet during a criminal case, *see Strickland v. Washington*, 466 U.S. 668, 686 (1984), that guarantee does not apply to self-representation, *see Faretta*, 422 U.S. at 834 n.46. The right to waive counsel includes the right to waive effective counsel. The self-lawyer thus is free to behave as the eccentric his client selected, and that is no concern of the Sixth Amendment. *See Wiggins*, 465 U.S. at 177 n.8. Libertarian indeed.

All of this confirms that, generally speaking, the only way out of the consequences of bad representation in a self-represented criminal trial is proof that the trial court erred in letting the

Exh. #17.3

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

**RANDALL KEITH BEANE, and
HEATHER ANN TUCCI-JARRAF**

**No.: 3:17-CR-82
Judges Varlan/Shirley**

UNITED STATES'S REQUESTED JURY INSTRUCTIONS

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, submits the following proposed jury instructions for the trial of this case. The United States requests that this instruction be given, along with the Court's standard jury charge.

Respectfully submitted,

**J. DOUGLAS OVERBEY
UNITED STATES ATTORNEY**

By: s/ Cynthia F. Davidson
Cynthia F. Davidson
Anne-Marie Svolto
Assistant United States Attorneys
800 Market Street, Suite 211
Knoxville, Tennessee 37902
(865) 545-4167

statements to be true. This guilty knowledge, however, cannot be established by demonstrating that the defendant was merely negligent or foolish.¹

- d. A misrepresentation or concealment is "material" if it has a natural tendency to influence or is capable of influencing the decision of a person of ordinary prudence and comprehension.
- e. To act with "intent to defraud" means to act with an intent to deceive or cheat for the purpose of either causing a financial loss to another or bringing about a financial gain to oneself.
- f. To "cause" wire, radio or television communications to be used is to do an act with knowledge that the use of the communications will follow in the ordinary course of business or where such use can reasonably be foreseen.
- g. The term "interstate commerce" includes wire, radio or television communications which crossed a state line.

3) It is not necessary that the government prove all of the details alleged concerning the precise nature and purpose of the scheme or that the material transmitted by wire, radio or television communications was itself false or fraudulent or that the alleged scheme actually succeeded in defrauding anyone or that the use of the wire, radio or television communications was intended as the specific or exclusive means of accomplishing the alleged fraud or that someone relied on the misrepresentation or false statement or that the defendant obtained money or property for his own benefit.

4) If you are convinced that the government has proved all of the elements as to the charge you are considering, say so by returning a guilty verdict on that charge. If you have a

¹ Adapted from 2.09 Pattern Jury Instructions, Criminal Cases, Sixth Circuit (20

Exh. #18.2



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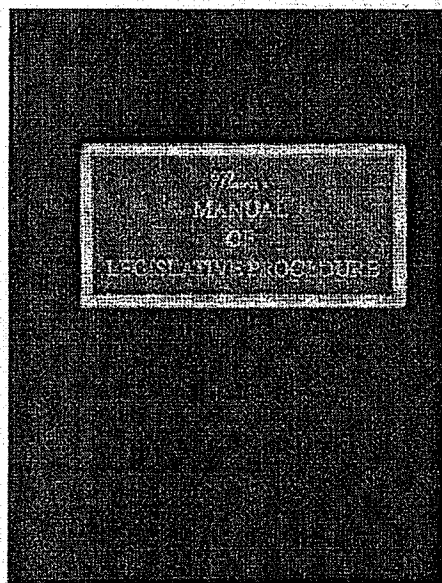


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Exh. #19.1

principles, such as the requirement of a meeting, a quorum or a majority vote, apply to all groups in all instances and without adoption, superseding adopted rules and statutes, while other rules, sometimes also called parliamentary law, are mere custom and give way to adopted rules and apply only when the assembly has not adopted any contrary rule or practice. It is often necessary to determine in which sense the term is used.

6. There is a reason for every form of parliamentary procedure that has been long sanctioned by general usage. These procedures have been approved by experience, have been found useful and expedient in practice, and have grown into general acceptance.

Sec. 4, Par. 5; Waples, Sec. 201.

CHAPTER 2 CONSTITUTIONAL PROVISIONS GOVERNING PROCEDURE

See also Sec. 284, Right of Legislative Bodies to Supplant Rules.

Sec. 6. Legislative Procedure Is Controlled by Constitutional Provisions

See also Sec. 3, Each House Determines the Rules of Its Own Proceedings.

1. Provisions in the constitutions of the states usually provide, among other things, that each house of the legislature shall determine the rules of its proceedings; that each house shall judge the qualifications, election and returns of members; that each house may choose its officers; that a majority of the house shall constitute a quorum; that each house may discipline or expel members; and that each house shall keep a journal.

2. A constitutional provision regulating procedure controls over all other rules of procedure.

Sec. 7. Constitutional Requirements Concerning Procedure Must Be Complied With

See also Ch. 64, Secs. 694-703, Journals and Records.

Being organic in character, constitutional provisions stand on a higher plane than statutes and are mandatory. Constitutional provisions prescribing exact or exclusive time or methods for certain acts are mandatory and must be complied with. Constitutional provisions that are general in nature and not exclusive may be directory. Examples of directory provisions are given below.

- (a) Where there is no constitutional provision requiring that a legislature read a bill on three separate days, a law to that effect is directory only, and an act passed without complying with the statute is not invalidated thereby.
- (b) A provision for recording the yeas and nays on the passage of a bill may be directory only and not mandatory.

2. If Congress or a state legislature violates a constitutional requirement, the courts will declare its enactment void.

3. Under a state constitution, unlike the U.S. Constitution, legislation not prohibited may be allowed. State constitutional provisions are not grants of power, but, instead, are limitations on otherwise plenary power of the people of a state exercised through its legislature. A legislature may enact any laws that state or federal constitutions do not prohibit.

Sec. 7, Par. 1, Capito v. Topping (W.Va., 1909).

Sec. 7, Par. 1(a), Schweizer v. Territory (Okla., 1897); Capito v. Topping (W.Va., 1909).

Sec. 7, Par. 1(b), People ex rel. Scott v. Supervisors of Chenango (N.Y., 1853).

Sec. 7, Par. 2, Missouri ex rel. Fox v. Alt (Mo., 1887).

Sec. 7, Par. 3, New Orleans Firefighters Ass'n v. Civil Service Comm'n of City of New Orleans (La., 1982); Aquillard v. Treith (La., 1983); Banner County, Nebraska v. State Bd. of Equalization and Assessment (Neb., 1987).

Exh. #19.3

CHAPTER 3

ADOPTED RULES GOVERNING PROCEDURE

See also Ch. 28, Sec. 279-286, Supervision of the Rules.

Sec. 10. Right to Adopt Rules

1. A legislative body has the right to adopt rules of procedure.
2. It is customary for every legislative body to adopt rules that provide for its organization, for its officers and committees, and for special rules of procedure. In practice, most of the rules relating to procedure are based upon general parliamentary law, but they also may contain rules of procedure applicable to the body that deviate from parliamentary usage.
3. The power of each house of a state legislature to make its own rules is subordinate to the rules contained in the constitution.
4. Either house of Congress or either house of a state legislature may make special rules for itself. Any other assembly may make regulations for its own government, and they may be partly or wholly different from those of the established parliamentary procedure.

Sec. 10, Par. 1, French v. California Senate (Calif., 1905); Witherspoon v. Mississippi ex rel. West (Miss., 1925).

Sec. 10, Par. 2, Cushing's Legislative Assemblies, Secs. 306-313; Hughes, Sec. 5; Taylor v. Davis (Ala., 1924); Dye v. Mississippi (Miss., 1987); Heinbach v. New York (N.Y., 1982).

Sec. 10, Par. 3, Taylor v. Davis (Ala., 1924); Sec. 10, Par. 4, Waples, Sec. 209; Heinbach v. New York (N.Y., 1982).

4. The rules under which a deliberative body will operate may be changed, suspended or waived at the body's pleasure where the rules of procedure are within control of the majority.

Sec. 15. Failure of a House of the Legislature to Conform to Its Rules Does Not Invalidate Its Acts

See also Sec. 13, Right to Change Rules; Sec. 32, Effect of Adoption of Parliamentary Authority; particularly Par. 3; Sec. 73, Powers of Courts over Legislative Bodies Generally, particularly Par. 3; Sec. 281, Right of Legislative Bodies to Suspend Rules; Sec. 284, Suspension of Rules by Implication; and Sec. 407, Amendment of Rules.

1. Violation of rules of procedure adopted by a house of the legislature for its own convenience and not required by the constitution will not impair the validity of a statute.

2. A legislative body having the right to do an act must be allowed to select the means of accomplishing such act within reasonable bounds.

3. A rule is virtually repealed for the occasion when it is disregarded by those who have power to control it; and the act of breaking it is at least a suspension of it. The body at its preceding meetings does not have the power

Sec. 14, Par. 4, Commonwealth ex rel. Fox v. Chace (Pa., 1961).

Sec. 15, Par. 1: Taylor v. Davis (Ala., 1924); Goodwin v. State Bd. of Admin. (Ala., 1925); Missouri ex rel. Fox v. At. (Mo., 1887); Ohio ex rel. Grendell v. Davidson (Ohio, 1929); Bryan v. Liburd (Virginia, 1996).

Sec. 15, Par. 2: Attorney General v. Bissenden (Mass., 1930).

to bind its successors or to put shackles on it that might be cast off only in a particular way.

Under a constitutional provision declaring that each house of the legislature shall determine the rules of its own proceedings, the fact that a house acted in violation of its own rules or in violation of parliamentary law in a matter clearly within its power does not make its action subject to review by the courts.

Sec. 16. Fraud Will Invalidate Acts

See also Sec. 43, Indispensable Requirements for Making Valid Group Decisions, particularly Par. 9.

Where there is more than a mere technical violation of the rules of procedure, the violation may invalidate the act, and an act will be invalidated where there is fraud or bad faith.

Sec. 15, Par. 3: Commonwealth v. Mayor of Lancaster (Me., 1886).

Sec. 15, Par. 4: Connecticut v. Say Bank of New London (Conn., 1906); Ohio ex rel. Grendell v. Davidson (Ohio, 1929); Bryan v. Liburd (Virginia, 1996).

Sec. 16: South Georgia Power Co. v. Baumann (Ga., 1929); People v. Albany and Susquehanna R.R. Co. (N.Y., 1869).

Sec. 727. Bill Numbers

1. The number of a bill is not part of the act but is a convenient device for identifying bills in legislative procedure.
2. When there is a discrepancy between the number and the title of a bill, the title will control.
3. When a bill is identified only by number and the number could refer to a different bill, it will not be presumed that a wrong number was erroneously used.

Sec. 728. Titles to Legislation

1. The main object of a provision requiring that every act shall embrace but one subject that shall be expressed in its title is to prevent a legislative body and the public from being entrapped by misleading titles, whereby legislation relating to one subject might be obtained under the title of another; and in the accomplishment of this object, the provision is not to receive narrow or technical construction.
2. Discrepancies and irregularities in the title of legislation as it appears in various places in the journal will not invalidate the legislation as long as there is no question of identity and the legislation is properly enrolled.

Sec. 727, Par. 1: Volusia County v. Florida (Fla., 1929).

Sec. 727, Par. 3: Wisconsin v. Wendler (Wis., 1896).

Sec. 728, Par. 1: Thornton v. Alabama (Ala., 1990); Heron v. Riley (Calif., 1930); People v. Cannady (Ill., 1987); Liffau v. Metropolitan Sports Facilities Comm'n (Minn., 1977); Scharbrough v. Texas (Texas, 1987); Benedic v. Polan (W.Va., 1991).

3. When the object of an act as passed is fully expressed in the title, the form or status at its introduction, or during the stages of legislation before it becomes a law, is immaterial.

4. It is not necessary that an act retain the same title through all its stages in both houses. The title of the bill as it is adopted by the legislature controls, not the title by which the bill may have been introduced or that it may have carried in reports of committees.

Sec. 729. Enacting Clauses

See also Sec. 146, Bills, particularly Par. 4.

The enacting clause, which also may be called the enacting authority or enacting style, follows immediately after a bill's preamble or title and precedes the body of the bill. It is a statement of the words declaring enactment by the proper legislative authority which every bill must contain and which are requisite to the validity of a law. The usual introductory formula is "Be it enacted by . . ."

Sec. 728, Par. 2: Town of Walnut v. Wade (U.S., 1880); Clifton v. Alabama (Ala., 1928); Desha-Drew Road Improvement Dist. v. Taylor (Ark., 1917); Florida v. Bethia (Fla., 1911); Weyand v. Stroyer (Kan., 1886); Ellis v. Parsell (Mich., 1894); Ex parte Seward (Mo., 1923); Tyson v. City of Salisbury (N.C., 1909); Nelson v. Haywood County (Tenn., 1892).

Sec. 728, Par. 3: People ex rel. Hart v. McElroy (Mich., 1888); Detroit Common Council v. Schmid (Mich., 1901); Nebraska ex rel. 1st Nat'l Bank of Atkinson v. Cronin (Neb., 1904).

Sec. 728, Par. 4: Town of Walnut v. Wade (U.S., 1880); Chicago B. & Q. R. Co. v. Smyth (D.C. Neb., 1900); Illinois Central R. Co. v. People (Ill., 1892); Missouri ex rel. Aull v. Field (Mo., 1894); Ex parte Seward (Mo., 1923); Nelson v. Haywood County (Tenn., 1892); Milwaukee County v. Isenring (Wis., 1901).

PART X

INVESTIGATIONS AND PUBLIC ORDER

CHAPTER 73

INVESTIGATIONS BY LEGISLATIVE BODIES

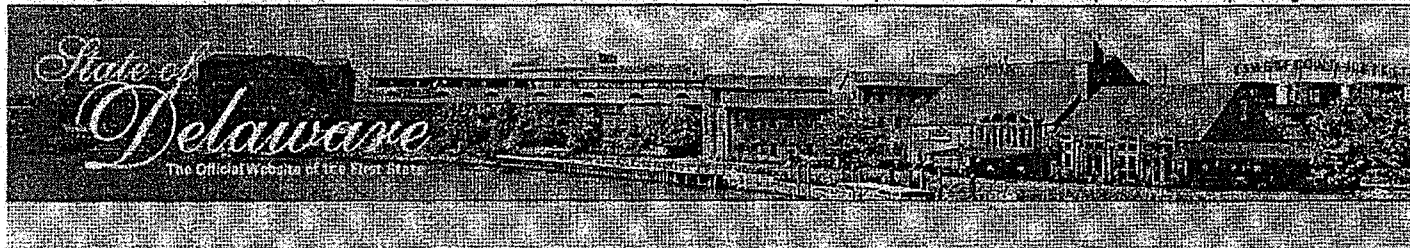
Sec. 795. Right of a Legislative Body to MakeInvestigations

1. The right of a legislative body to make investigations in order to assist it in the preparation of wise and timely laws must exist as an indispensable incident and auxiliary to the proper exercise of legislative power. This has been recognized from the earliest times in the history of U.S. legislation, both federal and state, and from even earlier epochs in the development of British jurisprudence.

2. The legislature has the power to investigate any subject regarding which it may desire information in connection with the proper discharge of its function to enact, amend or repeal statutes or to perform any other act delegated to it by the constitution.

See 795 Part I: Anderson v. Dunn (U.S., 1821); Kilbourne v. Thompson (U.S., 1880); Hyde Chapman (U.S., 1892); Hartman v. Interstate Commerce Comm'n (U.S., 1908); Marshall v. Gordon (U.S., 1917); Goldhamer v. Olson (W.D. Wa., 1968); Lefre Baulelle (Calif., 1929); Murphy v. Collins (Ill., 1974); Burnham v. Morrissey (Mass., 1859); Briggs v. Mackellar (N.Y., 1855); Robertson v. Peoples (S.C., 1919).

See 795 Part 2: Ex parte McCarthy (Calif., 1866); Greenfield v. Russell (Ill., 1920); Attorney General v. Brisenden (Mass., 1930); Briggs v. Mackellar (N.Y., 1855); People ex rel. McDonald v. Keeler (N.Y., 1885); Simpson v. Hill (Okla., 1927); Commonwealth v. Costello (Pa., 1912); Wisconsin ex rel. Rosenheim v. Tread (Wis., 1909).



Department of State: Division of Corporations

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number	2193946	Incorporation Date	4/19/1989
		Formation Date	(mm/dd/yyyy)
Entity Name	UNITED STATES OF AMERICA, INC.		
Entity Kind	Corporation	Entity Type	Exempt
Residency	Domestic	State	DELAWARE

REGISTERED AGENT INFORMATION

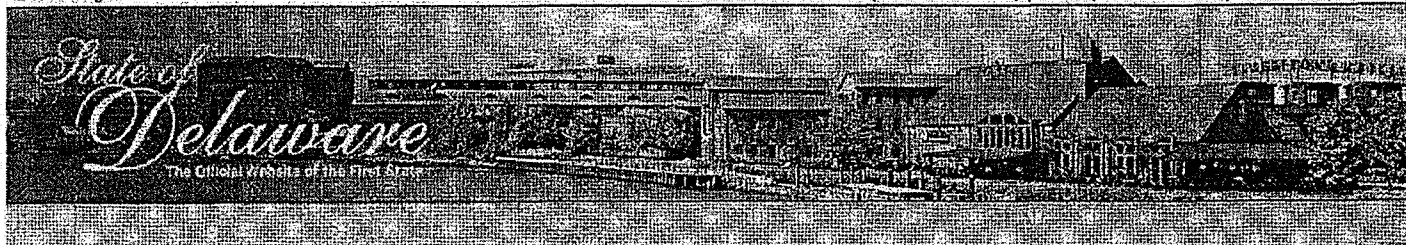
Name	THE COMPANY CORPORATION		
Address	251 LITTLE FALLS DRIVE		
City	WILMINGTON	County	New Castle
State	DE	Postal Code	19808
Phone	302-636-5440		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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Department of State: Division of Corporations

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number	4525682	Incorporation Date / Formation Date	4/14/2008 (mm/dd/yyyy)
Entity Name	THE UNITED STATES OF AMERICA, INC.		
Entity Kind	Corporation	Entity Type	General
Residency	Domestic	State	DELAWARE

REGISTERED AGENT INFORMATION

Name	SPIEGEL & UTRERA, P.A.		
Address	9 EAST LOOCKERMAN ST STE 202		
City	DOVER	County	Kent
State	DE	Postal Code	19901
Phone	302-744-9800		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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Exh. #20.2

contains the following clause: "If any person, through temptation or melancholy, shall destroy himself, his estate, real and personal, shall, notwithstanding, (descend to his wife and children, or relations, as if he had died a natural death."

FELON, crimes. One convicted and sentenced for a felony.

2. A felon is infamous, and cannot fill any office, or become a witness in any case, unless pardoned, except in cases of absolute necessity, for his own preservation, and defence; as, for example, an affidavit in relation to the irregularity of a judgment in a cause in which he is a party. 2 Salk. R. 461; 2 Str. 1148; Martin's R. 25; Stark. Ev. part 2, tit. Infamy. As to the effect of a conviction in one state, where the witness is offered in another, see 17 Mass. R. 515 2 Harr. & McHen. R. 120, 378; 1 Harr. & Johns. R. 572. As to the effect upon a copartnership by one of the partners becoming a felon, see 2 Bouv. Inst. n. 1493.

FELONIOUSLY, pleadings. This is a technical word which must be introduced into every indictment for a felony, charging the offence to have been committed feloniously; no other word, nor any circumlocution, will supply its place. Com. Dig. Indictment, G 6; Bac. Ab. Indictment, G 1; 2 Hale, 172, 184; Hawk. B. 2. c. 25, s. 55 Cro. C. 37; Burn's Just. Indict. ix.; Williams' Just. Indict. iv.-, Cro. Eliz. 193; 5 Co. 121; 1 Chit. Cr. Law, 242.

FELONY, crimes. An offence which occasions a total forfeiture of. either lands or goods, or both, at common law, to which capital or other punishment may be super-added, according to the degree of guilt. 4 Bl. Com, 94, 5; 1 Russ. Cr. *42; 1 Chit. Pract. 14; Co. Litt. 391; 1 Hawk. P. C. c. 37; 5 Wheat. R. 153, 159.

FEMALE. This term denotes the sex which bears young.

2. It is a general rule, that the young of female animals which belong to us, are ours, nam fetus ventrem sequitur. Inst. 2, 1, 19; Dig. 6, 1, 5, 2. The rule is, in general, the same with regard to slaves; but when a female slave comes into a free state, even without the consent of her master, and is there delivered of a child, the latter is free. Vide Feminine; Gender; Masculine.

FEME, or, more properly,

Exh. #21

FEMME. Woman.

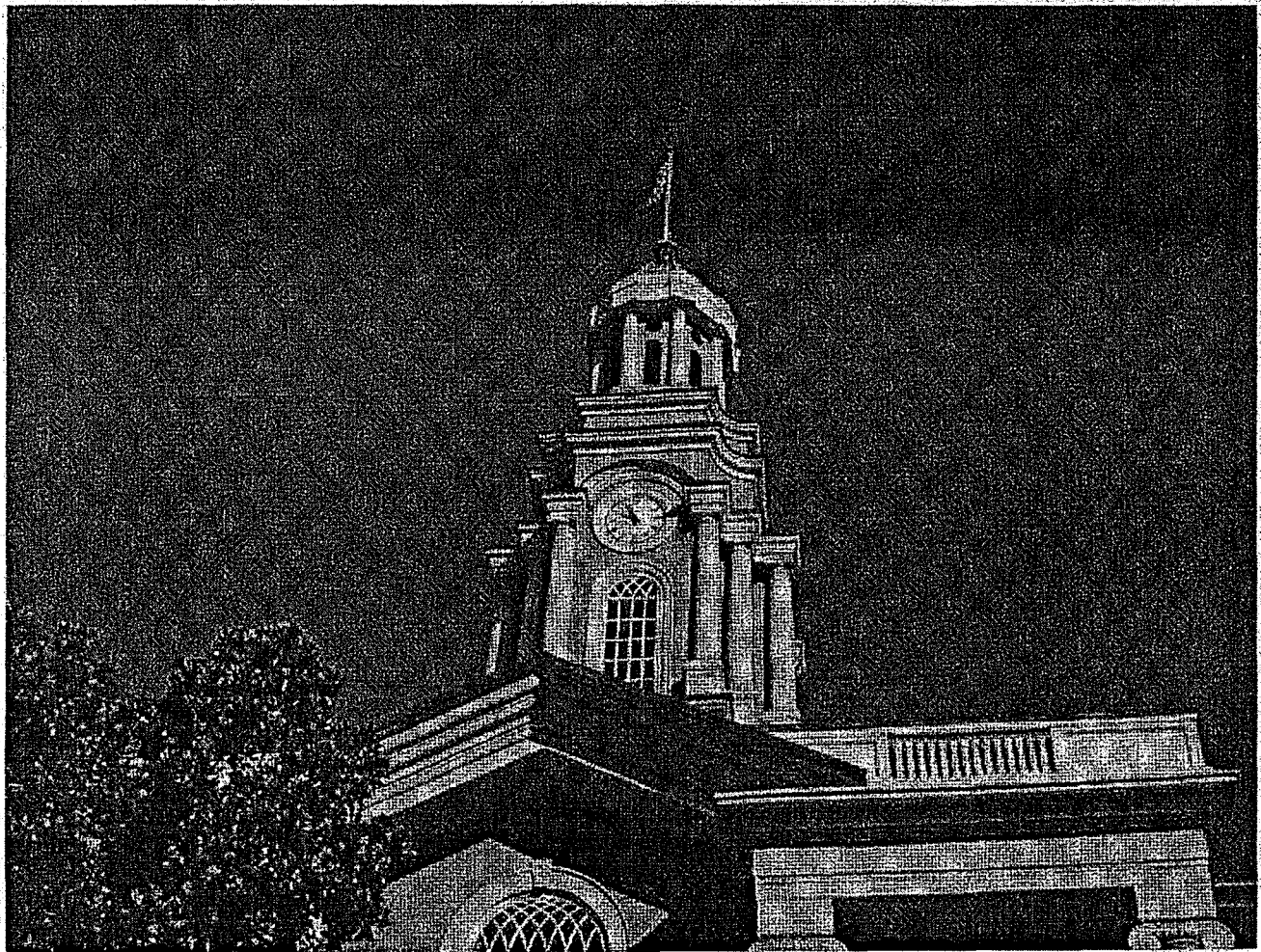
2. This word is frequently used in law. Baron and feme, husband and wife; feme covert, a married woman; feme sole, a single woman.

3. A feme covert, is a married woman. A feme covert may sue and be sued at law, and will be treated as a feme sole, when the husband is civiliter mortuus. Bac. Ab. Baron and Feme, M; see article, Parties to Actions, part 1, section 1, §7, n. 3; or where, as it has been decided in England, he is an alién and has left

Judicial Officers

The district judges of our court are Article III judges, that is, they are appointed by the President of the United States, with approval of the Senate, under authority of Article III of the United States Constitution. They are appointed to lifetime terms.

We also have magistrate judges. They are appointed by the district judges and serve eight-year terms. Their duties are much like those of the district judges, except they do not have authority to try criminal cases, except misdemeanors. They can try civil cases by consent of the parties and do try a number of civil cases each year.



Exh. #22

28 U.S. Code § 1331 - Federal question

U.S. Code Notes

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

(June 25, 1948, ch. 646, 62 Stat. 930; Pub. L. 85-554, § 1, July 25, 1958, 72 Stat. 415; Pub. L. 94-574, § 2, Oct. 21, 1976, 90 Stat. 2721; Pub. L. 96-486, § 2(a), Dec. 1, 1980, 94 Stat. 2369.)

Exh. #23

28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs

U.S. Code Notes

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

Exh. #24

26.2-60.2

LAWS

J. Campbell

THE UNITED STATES OF AMERICA,

FROM

THE 4th OF MARCH, 1789, TO THE 4th OF MARCH, 1815,

INCLUDING

THE CONSTITUTION OF THE UNITED STATES, THE OLD ACT OF
CONFEDERATION, TREATIES,

AND MANY OTHER VALUABLE ORDINANCES AND DOCUMENTS;

WITH

COPIOUS NOTES AND REFERENCES.

ARRANGED AND PUBLISHED UNDER THE AUTHORITY OF AN ACT OF CONGRESS.

IN FIVE VOLUMES.

NEW YORK
VOL. I.
PUBLIC
LIBRARY

PUBLISHED BY

JOHN BLOREN AND W. JOHN DUANE, PHILADELPHIA, AND
R. C. WEIGHTMAN, WASHINGTON CITY.

1815.

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Exh. #25.1

Actual mode
of electing the
president and
vice president
of the United
States.

[Note. In il-
lustration of
this amend-
ment, see
chap. 403, vol.
3.]

tives, open all the certificates, and the votes shall then be count-
ed: the person having the greatest number of votes for president,
shall be the president, if such number be a majority of the
whole number of electors appointed; and if no person have such
majority, then from the persons having the highest numbers, not
exceeding three, on the list of those voted for as president, the
house of representatives shall choose immediately, by ballot, the
president. But in choosing the president, the votes shall be
taken by states, the representation from each state having one
vote; a quorum for this purpose shall consist of a member or
members from two thirds of the states, and a majority of all the
states shall be necessary to a choice. And if the house of repre-
sentatives shall not choose a president whenever the right of
choice shall devolve upon them, before the fourth day of March
next following, then the vice-president shall act as president, as
in the case of the death or other constitutional disability of the
president.

2. The person having the greatest number of votes as vice
president, shall be the vice president, if such number be a major-
ity of the whole number of electors appointed; and if no person
have a majority, then from the two highest numbers on the list,
the senate shall choose the vice president: a quorum for the pur-
pose shall consist of two thirds of the whole number of senators,
and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of
president, shall be eligible to that of vice president of the United
States.

ARTICLE 13.

Citizenship
forfeited by
the accept-
ance, from a
foreign power,
of any title of
nobility, office
of emolument
of any kind,
&c. [See, as
connected
with this sub-
ject, ante, art.
1, sec. 9, clause
7, page 65.]

If any citizen of the United States shall accept, claim, re-
ceive, or retain any title of nobility or honor, 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, and shall be incapable of holding
any office or trust or profit under them, or either of them.

[Note. The 11th article of the amendments to the constitution, was proposed at the
second session of the third congress: the 12th article, at the first session of the eighth
congress: and the 13th article, at the second session of the eleventh congress.]

CHAPTER 5.

Treaty estab-
lishing the
rules of cor-
respondence
and commerce
between the
United States
and France.

Treaties, contracts, and conventions, concluded, at different periods, between the
United States of America and France, up to the year 1814.

No. 1. Treaty of amity and commerce between the United States of America and his
most christian majesty.

ORIGINAL.

Treaty of amity and commerce.

ORIGINAL.

Traite d'amitie et de commerce.

THE most christian king, LE roi très chrétien, et les
and the thirteen United States treize Etats Unis de l'Amérique
of North America, to wit: New-Septentrionale, savoir, New
Hampshire, Massachusetts Bay, Hampshire, la Baye de Massa-

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,

Defendants.

VOLUME IV of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 26, 2018
9:04 a.m. to 4:32 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

CYNTHIA F. DAVIDSON, ESQUIRE
ANNE-MARIE SVOLTO, ESQUIRE
Assistant United States Attorney
United States Department of Justice
Office of the United States Attorney
800 Market Street
Suite 211
Knoxville, Tennessee 37902

FOR THE DEFENDANT:
RANDALL BEANE

RANDALL KEITH BEANE, PRO SE
Blount County Detention Center
920 East Lamar Alexander Parkway
Maryville, Tennessee 37904

FOR THE DEFENDANT:
(As Elbow Counsel)

STEPHEN G. McGRATH, ESQUIRE
9111 Cross Park Drive
Suite D-200
Knoxville, Tennessee 37923

Exh. #26.1

REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
(865) 210-6698
P.O. Box 1823
Knoxville, Tennessee 37901-1823

Sean O'Malley - Continued Cross-Examination

1 window.

2 Q So, then, ACH credits are given to USAA in this
3 particular instance. Is that what you're saying?

4 A So in this particular instance, USAA received a
5 credit, but basically what they did is they debited out of the
6 Ginnie Mae's securities account at the Federal Reserve Bank of
7 New York, and they pulled \$30.5 million out of the account in
8 30-some-odd tranches, and each one of those ACH debits that
9 were pulled out of the Ginnie Mae securities had to be returned
10 within a two-day window, and they were, so that USAA -- the
11 funds were taken back out of the USAA account, put back in the
12 Ginnie Mae securities account, and there was no loss to the
13 U.S. government.

14 Q What is Ginnie Mae securities account?

15 A That is the account -- the routing number of the
16 account that was debited.

17 Q Okay. So each routing number of all 12 Federal
18 Reserve Banks, they all go to the Ginnie Mae's securities
19 account?

20 A No. So the ACH fraud started out by people looking
21 up Federal Reserve routing numbers and using those routing
22 numbers to debit or pull money out of those routing numbers.
23 It morphed into looking for any U.S. government routing number
24 and then they started pulling it from the various different
25 routing numbers that we talked about, U.S. -- the Federal

UNITED STATES DISTRICT COURT

Exh. #26.2

it had been brought there by original process. And any attachment of the goods or estate of the defendant, by the original process, shall hold the goods or estate so attached, to answer the final judgment, in the same manner as by the laws of such state they would have been holden to answer final judgment, had it been rendered by the circuit court in which the suit commenced. Vide Act of September 24, 1789, 12; 4 Dall. 11; 5 Cranch, 303; 4 Johns. R. 493; 1 Pet. R. 220; 2 Yeates, R. 275; 4 W. C. C. R. 286, 344.

85. By the Constitution, art. 3, 2, 1, the judicial power shall extend to controversies between citizens of the same state, claiming lands under grants of different states.

86. By a clause of the 12th section of the Act of September 24th, 1789, it is enacted, that, if in any action commenced in a state court, the title of land be concerned, and the parties are citizens of the same state, and the matter in dispute exceeds the sum or value of five hundred dollars, exclusive of costs, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, shall state to the court, and make affidavit, if it require it, that he claims, and shall rely upon a right or title to the land, under grant from a state, other than that in which the suit is pending, and produce the original grant, or an exemplification of it, except where the loss of records shall put it out of his power, and shall move that the adverse party inform the court, whether he claims a right of title to the land under a grant from the state in which the suit is pending; the said adverse party shall give such information, otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he informs that he does claim under any such grant, the party claiming under the grant first mentioned, may then, on motion, remove the cause for trial, to the next circuit court to be holden in such district. But if he is the defendant, he shall do it under the same regulations, as in the before mentioned case of the removal of a cause into such court by an alien. And neither party removing the cause shall be allowed to plead, or give evidence of, any other title than that by him stated as aforesaid, as the ground of his claim. See 9 Cranch, 292 2 Wheat. R. 378.

87. Application for removal must be made during the term at which the defendant enters his appearance. 1 J. J. Marsh. 232. If a state court agree to consider a petition to remove the cause as filed of the preceding term, yet if the circuit court see by the record, that it was not filed till a subsequent term, they will not permit the cause to be docketed. Pet. C. C. R. 44 Paine, 410 but see 2 Penning. 625.

88. In chancery, when the defendant wishes to remove the suit, he must file his petition when he enters his appearance; 4 Johns. Ch. 94; and in an action in a court of law, at the time of putting in special bail. 12 Johns. 153. And if an alien file his petition when he filed special bail, he is in time, though the bail be excepted to. 1 Caines, 248; Coleman, 58. A defendant in ejectment may file his petition. when he is let in to defend. 4 Johns. 493. See Pet. C. C. R. 220; 2 Wash. C. C. R. 463; 2 Yeates, 275, 352; 3 Dall. 467; 4 Wash. C. C. R. 286; 2 Root 444; 5 John. Ch. R. 300 3 Harn. 48; 4 Wash. C. C. R. 84. 3d. Remedy by Mandamus.

89. The power of the circuit Court to issue a mandamus, is confined, exclusively, to cases in which it may be necessary for the exercise of a jurisdiction already existing; as, for instance, if the court below refuse to proceed to judgment, then a mandamus in the nature of a procedendo may issue. 7 Cranch, 504; 6 Wheat. R. 598. After the state court had refused to permit the removal of a cause on petition, the circuit the cause.

4th. Appellate Jurisdiction.

Exh. #27.1

90. The appellate jurisdiction is exercised by means of, 1. Writs of error. 2 Appeals from the district courts in admiralty and maritime jurisdiction. 3. Certiorari. 4. Procedendo.

91. - [1.] This court has jurisdiction to issue writs of error to the district court, on judgments of that court in civil cases at common law.

92. The 11th section of the Act of September 24, 1789, provides, that the circuit courts shall also have appellate jurisdiction from the district courts, under the regulations and restrictions thereafter provided.

93. By the 22d section, final decrees and judgments in civil actions in a district court, where the matter in dispute exceeds the, sum or value of fifty dollars, exclusive of costs, may be reexamined, and reversed or affirmed in a circuit court holden in the same district, upon a writ of error, whereto shall be annexed and returned therewith at the day and place therein mentioned, an authenticated transcript of the record and assignment of errors, and prayer for reversal, with a citation to the adverse party, signed by the judge of such district court, or a justice of the supreme court, the adverse party having at least twenty days notice. But there shall be no reversal on such writ of error, for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or for any error in fact. And writs of error shall not be brought but within five years after rendering or passing the judgment or decree complained of; or, in case the person entitled to such writ of error be an infant, non compos mentis, or imprisoned, then within five years, as aforesaid, exclusive of the time of such disability. And every justice or judge signing a citation or any writ of error as aforesaid, shall take good and sufficient security, that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs, if he fail to make his plea good.

94. The district judge cannot sit in the circuit court on a writ of error to the district court. 5 Wheat. R. 434.

95. It is observed above, that writs of error may be issued to the district court in civil cases at common law, but a writ of error does not lie from a circuit to a district court in an admiralty or maritime cause. 1 Gall. R. 5..

96. - [2.] Appeals from the district to the circuit court take place generally in civil causes of admiralty or maritime jurisdiction.

97. By the Act of March 3, 1803, 2, it is enacted, that from all final judgments or decrees in any of the district courts of the United States, an appeal where the matter in dispute, exclusive of costs, shall exceed the sum or value of fifty dollars, shall be allowed to the district court next to be holden in the district where such final judgment or judgments, decree or decrees shall be rendered: and the circuit courts are thereby authorized and required, to hear and determine such appeals.

98. - [3.] Although no act of congress authorizes the circuit court to, issue a certiorari to the district court for the removal of a cause, yet if the cause be so removed, and instead of taking advantage of the irregularity in proper time and in a proper manner, the defendant makes the defence and pleads to issue, he thereby waives the objection, and the suit will be considered as an original one in the circuit court, made so by consent of parties. 2 Wheat. R. 221.

99.-[4.1 The circuit court may issue a writ of procedendo to the district court.

Equity Jurisdiction of the Circuit Courts.

Exh. #27.2

100. Circuit courts are vested with equity jurisdiction in certain cases. The Act of September, 1789, 11, gives original cognizance, concurrent with the courts of the several states, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs or petitioners, or an alien is a party, or. the suit is between a citizen of the state where the

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

UNITED STATES OF AMERICA

V.

Case No. 3:17-CR-82

Randall-Keith:Beane
Heather-Ann:Tucci:Jarraf

ORDER ON MOTION TO VACATE AND SET ASIDE THE CONVICTION AND SENTENCE

ORDER

Based on the motion and good cause appearing therefore,

IT IS HEREBY ORDERED AND ADJUDGED that:

Movant's Motion to Set Aside the Conviction and Sentence is hereby GRANTED.

Movant is to be immediately released from confinement.

Movant and Heather-Ann:Tucci:Jarraf's property is to be immediately restored.

The case file and respective record is ordered expunged.

Judge Signature:

EMERGENCY

Formal Grievance Complaint and Investigation Demand

“...to petition the Government for a redress of grievances.” – Constitution Amendment I

Private and Confidential

March 11, 2021

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1 **I) EMERGENCY FORMAL GRIEVANCE COMPLAINT**
2 **AND INVESTIGATION DEMAND**
3

4 Subject: A Tennessee Crime Ring of district court judges, federal prosecutors,
5 FBI, Sheriff Deputies et al. – Complaint and Investigation
6 Demand Regarding Emolument Violations to Include:
7

8 Conspiracy to Deprive Rights, Deprivation of Rights, Felony Kidnapping, False
9 Imprisonment, Fraudulent and Fictitious Arrest Warrants, Denial of Due Process,
10 Misprison of Treason, Misprison of Felony, Abuse of Law and Legal Process,
11 Perjury, False and Misleading Statements to the Grand Jury and Trial Jury, Fraud,
12 FBI Excessive Force, FBI Lack of Jurisdiction, Prosecutorial and Judicial
13 Misconduct and Lack of Jurisdiction, and Wrongful Selective Prosecution in the
14 United States District Court for the Eastern District of Tennessee.
15

16 This complaint is painful acknowledgement that in Tennessee the people's
17 government has been usurped by evil wicked treasonous traitor turncoat servants
18 who were trusted by the people to do their job. It is written with Love for the
19 Country, the true victims Mr. Beane and Mrs. Tucci:Jarraf, and the King of Kings.

20 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf had the Right to live in peace
21 and be left alone when law-abiding. They were denied that right. By fraud, the
22 perpetrators and conspirators concocted a fraud and money laundering case against
23 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to hide the theft of
24 \$31,000,494.97 from Randall-Keith:Beane, and seek revenge against Heather-
25 Ann:Tucci:Jarraf for her UCC filings foreclosing corporate criminal enterprises –
26 some impersonating governments.

27 To manufacture a fraud charge and arrest Mr. Beane and then Mrs. Tucci:Jarraf,
28 perpetrators and conspirators made false exculpatory statements like: (1) Mr.
29 Beane altered his social security account number by one digit to access his treasury
30 direct depository account (the source of the \$31,000,494.97), and (2) They said
31 they had an "active" "outstanding" arrest warrant for Mr. Beane that they knew to
32 be a South Carolina **statewide** misdemeanor traffic related bench warrant disposed
33 of two years earlier. Both prove the frame up. Not doing their job as investigators,
34 prosecutors and judges is further evidence of their intent.
35

36 FBI and US Attorney perpetrators and conspirators did not disclose their unlawful
37 arrest of Mr. Beane on July 11, 2017. They did not yell out to the courtroom –

1 'Hey, we used a South Carolina statewide traffic related bench warrant that was
2 disposed of two years earlier.' They covered it up. They didn't want anyone to
3 read the middle of the warrant that said it was a South Carolina statewide warrant –
4 and they were in Tennessee. (Att. #1.2) They didn't present the South Carolina
5 public index which showed the traffic related case against Mr. Beane had a
6 disposition date of 7/17/2015. (Att. #2.1)

7
8 Perpetrator and conspirator Debra Poplin was the clerk - the keeper of the records
9 for the US District Court for the Eastern District of Tennessee. She knew the
10 Tennessee arrest warrants issued for Mr. Beane and Mrs. Tucci:Jarraf were
11 fraudulent because they did not have her signature on them as required by 18a U.S.
12 Code Rule 9 (Arrest Warrant on Indictment – Att. #10) . She kept quiet and
13 covered it up. She allowed the U.S. Marshals Service to participate in the
14 conspiracy and kidnap Mr. Beane and Mrs. Tucci:Jarraf using fraudulent arrest
15 warrants. (Att. #3 and #4)

16
17 The FBI and US Attorneys knew the Tennessee arrest warrants were not in legal
18 form. The US Attorneys knew the FBI did not have jurisdiction. They
19 intentionally had Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf kidnapped.

20
21 The US District Court judges knew the FBI and US Attorneys, and they
22 themselves, did not have jurisdiction. They all participated in the felony
23 kidnapping of Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

24
25 The Sixth Circuit Appeals Court judges knew the FBI, US Attorneys, and District
26 Court judges plotted to kidnap and detain Randall-Keith:Beane and Heather-
27 Ann:Tucci:Jarraf without a valid warrant. None of them had lawful authority or
28 jurisdiction from the get-go and they all knew it. The appellate judges kept it
29 quiet, covered it up and pretended they all had authority and jurisdiction.

30
31 The entire case was willfully and intentionally created based upon fraud and they
32 all knew it, and they all concealed it because it was part of the conspiracy plot.

33
34 The Supreme Court ruled in **United States v. Throckmorton (Supreme Court -**
35 **98 U.S. 61 (1878))** "There is no question of the general doctrine that fraud vitiates
36 the most solemn contracts, documents, and **even judgments.**" (Att. #83.2) It
37 goes on to say, "Fraud vitiates every thing." Not some things – EVERYTHING!
38 (Att. #83.3)

1 You each have a distinct role and obligation to investigate and determine the
2 level of involvement of government employees, your organization, or any
3 organization and company that participated in the unlawful exercise of power to
4 deprive rights, to determine the depth of the conspiracy to deprive rights and the
5 deprivation of rights of American constituents Randall-Keith:Beane and Heather-
6 Ann:Tucci:Jarraf, to ensure Mr. Beane and Mrs. Tucci:Jarraf are immediately
7 released from their false imprisonment, and to ensure impeachment and criminal
8 charges are filed against those responsible.

9 Law combat is not what we do for a living. We had to step out of our lane
10 and jump into your lane because you allowed an innocent man and an innocent
11 woman to be kidnapped, trafficked, and falsely imprisoned by your colleagues
12 right under your nose based on a fabricated fraud and money laundering charge,
13 fraudulent fictitious signed Tennessee district court arrest warrants, and a South
14 Carolina statewide misdemeanor traffic related bench warrant that had been
15 disposed of two years earlier.

16 Corruption exists in every profession. This is not a complaint to bash law
17 enforcement. We admire the work of law enforcement and other first responders.
18 We love, respect, and cherish law enforcement as we do the military. They run
19 toward trouble while most run the other way. We admire their courage. But we
20 have to separate the dirty from the clean. In this case the nefarious actors involved

1 violated the law and knowingly and intentionally conspired to deprive Randall-
2 Keith:Beane and Heather-Ann:Tucci:Jarraf of their God-given freedom, liberty and
3 rights.

4 We have been in contact with Randall-Keith:Beane, but we do not know him
5 or Heather-Ann:Tucci:Jarraf and it doesn't matter. They are Americans. They are
6 members of mankind who've been falsely imprisoned and severely injured and
7 that's good enough reason for us to file this emergency complaint. Just imagine if
8 what was done to Mr. Beane and Mrs. Tucci:Jarraf was done to you, or a family
9 member, or a friend. You would most certainly want someone to help. We know
10 we would. We wouldn't be much better than the evil ones who falsely imprisoned
11 Mr. Beane and Mrs. Tucci:Jarraf if we sat and did nothing and allowed their false
12 imprisonment to continue. Is it possible to believe in Almighty God and sit idle
13 while two innocent Almighty God created living souls are falsely imprisoned?
14 You may look the other way and pretend you don't see what's there but God
15 Almighty knows what you see and what you've done about it – or not done.
16 Imagine arriving at the pearly gates and before you can enter you must
17 satisfactorily explain certain things you did while in the body like why you
18 participated in or allowed an innocent man and an innocent woman to be falsely
19 imprisoned. You won't be able to b.s. the Most High. Mr. Beane and Mrs. Tucci-

1 Jarraf were done dirty by traffickers and felony kidnappers purporting to be
2 servants of the people's government.

3 Having read many of the court documents we allege Tennessee FBI agents,
4 Tennessee United States Attorney's Office, Tennessee district court judges, and
5 others conspired to frame Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf for a
6 fraud and money laundering case they invented to hide the theft of \$31,000,494.97
7 from Randall-Keith:Beane's USAA bank account, and to benefit from: (1) a
8 criminal monetary penalty of \$511,289.02 payable to the Eastern District of
9 Tennessee District Court, (2) A personal money judgment of \$553,749.99 payable
10 to the United States allegedly for USAA Bank, (3) Restitution of \$510,589.02 to
11 USAA Bank, and (4) Unlawful seizure and sale of the \$503,110.68 motorhome to
12 USAA Bank – owned by the Randall Keith Beane Factualized Trust.

13 We, the private natural American people, submit this **EMERGENCY**
14 formal grievance complaint and demand investigation regarding **United States of**
15 **America v. Randall Keith Beane and Heather Ann Tucci Jarraf. (Case No.:**
16 **3:17-CR-82)** pursuant to violation of a host of US codes/statutes, Tennessee
17 Constitution Declaration of Rights, Article 1, Sections 1, 2, 7, 8, 9, 10, 15, 18 and
18 21 (Att. #73.1, #73.2, #73.3), violation of United States Constitution Article VI,
19 Clause 3 (Violation of Oath), Article I, Section 8, Clause 14 (U.S. Code Rules for
20 the Government), Article I, Section 9, Clause 3 (no bill of pains and penalties),

1 Article III, Section 2 (Judicial Power), Section 3 (Treason Against the United
2 States), Article I, Section 9, Clause 8 (If any citizen of the United States shall
3 accept, claim, receive, or retain any title of nobility or honor...such person shall
4 cease to be a citizen of the United States, and **shall be incapable of holding any**
5 **office of trust or profit** (Att. #72.1, #72.2), the 4th, 5th, 6th, and 14th Amendments
6 (Procedural and Substantive Due Process), and the International Covenant on Civil
7 and Political Rights Treaty (ICCPR – Att. #35.1 - #35.4) ratified and entered into
8 force in 1992 to include:

- 9 • Article 1. All peoples have the right of self-determination.
- 10 • Article 6. Every human being has the inherent right to life. This right shall
11 be protected by law. No one shall be arbitrarily deprived of his life.
- 12 • Article 9. Everyone has the right to liberty and security of person. No one
13 shall be subjected to arbitrary arrest or detention. No one shall be deprived
14 of his liberty except on such grounds and in accordance with such procedure
15 as are established by law.
- 16 • Article 9. Anyone who is arrested shall be informed, at the time of arrest, of
17 the reasons for his arrest and shall be promptly informed of any charges
18 against him.
- 19 • Article 9. Anyone arrested or detained on a criminal charge shall be
20 brought promptly before a judge or other officer authorized by law to

1 exercise judicial power and shall be entitled to trial within a reasonable time
2 or to release. It shall not be the general rule that persons awaiting trial shall
3 be detained in custody, but release may be subject to guarantees to appear
4 for trial, at any other stage of the judicial proceedings, and, should occasion
5 arise, for execution of the judgment.

- 6 • Article 9. Anyone who is deprived of his liberty by arrest or detention shall
7 be entitled to take proceedings before a court, in order that that court may
8 decide without delay on the lawfulness of his detention and order his release
9 if the detention is not lawful.

- 10 • Article 9. Anyone who has been the victim of unlawful arrest or detention
11 shall have an enforceable right to compensation.

- 12 • Article 14. All persons shall be equal before the courts and tribunals. In the
13 determination of any criminal charge against him, or of his rights and
14 obligations in a suit at law, everyone shall be entitled to a fair and public
15 hearing by a competent, independent and impartial tribunal established by
16 law.

17 We are reporting a conspiracy to deprive rights, deprivation of rights, and
18 the false imprisonment of Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf
19 through creation of a fabricated fraudulent criminal case (among other criminal
20 activity) by the Tennessee FBI, Tennessee United States Attorney's Office, Eastern

District of Tennessee District Court, Knoxville Sheriff's office, U.S. Court of Appeals for the Sixth Cir., etc. Their actions were purposeful, intentional, and unlawful. They operated knowingly without subject matter jurisdiction or personal jurisdiction. All rulings were made in violation of due process and are void.

DEFINITION CONSPIRACY - Black's Law Dictionary, 4th Edition
(Pg. 382-383)

“In criminal law - A combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act, or some act which is innocent in itself, but becomes unlawful when done by the concerted action of the conspirators, or for the purpose of using criminal or unlawful means to the commission of an act not in itself unlawful.”

“A combination, or an agreement between two or more persons, for accomplishing an unlawful end or a lawful end by unlawful means.”

“A partnership in criminal purposes.”

“The essence of "conspiracy" *is* an agreement, together with an overt act, to do an unlawful act, or do a lawful act in an unlawful manner.”

“A conspiracy may be a continuing one; actors may drop out, and others drop in; the details of operation may change from time to time; the members need not know each other or the part played by others; a member need not know all the details of the plan or the operations; he must, however, know the

1 purpose of the conspiracy and agree to become a party to a plan to effectuate that
2 purpose.”

3 “A consultation or agreement between two or more persons, either falsely to
4 accuse another of a crime punishable by law; or wrongfully to injure or prejudice a
5 third person, or any body of men, in any manner; or to commit any offense
6 punishable by law; or to do any act with intent to prevent the course of justice; or
7 to effect a legal purpose with a corrupt intent, or by improper means.”

8 DEFINITION

9 **FALSE IMPRISONMENT** - Any **intentional detention** of the
10 person of another **not authorized by law**, is false imprisonment. 1 Bald. 571; 9 N.
11 H. Rep. 491; 2 Brev. R. 157. It is any **illegal imprisonment, without any process**
12 **whatever, or under color of process wholly illegal...**(Bouvier’s Law Dictionary,
13 Revised Sixth Edition, P. 754)

14
15 **FALSE IMPRISONMENT** - The **unlawful arrest or detention** of
16 a person **without warrant, or by an illegal warrant**, or a **warrant illegally**
17 **executed**, and either in a prison or a place used temporarily for that purpose, or by
18 force and constraint without confinement. Eberling v. State, 136 Ind. 117, 35 N.E.
19 1023. False imprisonment consists in the **unlawful detention** of the person of
20 another, **for any length of time**, whereby he is **deprived of his personal liberty**.
21 Mahan v. Adam, 144 Md. 355, 124 A. 901, 904. (Black’s Law Dictionary, 4th
22 Edition, P. 890)

23 24 **18 U.S. Code § 241. Conspiracy against rights** (Att. #38)

25 “If two or more persons conspire to injure, oppress, threaten, or intimidate
26 any person in any State, Territory, Commonwealth, Possession, or District in the
27 free exercise or enjoyment of any right or privilege secured to him by the
28 Constitution or laws of the United States, or because of his having so exercised the

1 same; or If two or more persons go in disguise on the highway, or on the premises
2 of another, with intent to prevent or hinder his free exercise or enjoyment of any
3 right or privilege so secured—They shall be fined under this title or imprisoned not
4 more than ten years, or both; and if death results from the acts committed in
5 violation of this section **or if such acts include kidnapping** or an attempt to
6 kidnap, aggravated sexual abuse or an attempt to commit aggravated
7 sexual abuse, or an attempt to kill, they shall be fined under this title or
8 **imprisoned for any term of years or for life**, or both, **or may be sentenced to**
9 **death.**”

10 This case involves Tennessee and South Carolina. Ohio and California is
11 where the felony kidnappers and human traffickers had Randall-Keith:Beane and
12 Heather-Ann:Tucci:Jarraf unlawfully transported and detained.

13 This complaint is lengthy because we had to **show the conspiracy and**
14 **fraud** knowingly committed by the perpetrators and coconspirators. Revealing the
15 lies unveils the fraud and conspiracy.

16 We understand people don't want to read more than ten or twenty pages.
17 We wish we could have kept this complaint in that range, but unfortunately a lot
18 went down in the case.

19 The conspiracy is easy to see. The perpetrators and conspirators did eight
20 obvious things:

1 (1) They used a South Carolina statewide misdemeanor traffic related bench
2 warrant that had been disposed of two years earlier as the predicate to arrest
3 Randall-Keth:Beane on July 11, 2017 at Buddy Gregg RVs & Motor Homes in
4 Knoxville, Tennessee. (Att. #1.2, #12 and #13).

5 (2) They created two fraudulent fictitious signed Tennessee district court
6 arrest warrants (Att. #3, #4 and #10) to arrest Mr. Beane a fourth time July 27,
7 2017, and to arrest Heather-Ann:Tucci:Jarraf July 26, 2017.

8 (3) They fabricated a fraud case based on a lie to the grand jury that Mr.
9 Beane altered his social security account number by one digit, and that he used a
10 'fraudulent' 'fictitious' account number to access his treasury direct depository
11 account. (Grand Jury Transcript, P. 6, Line 5-7; P. 14, Line 2-4, 12-13)

12 (4) They lied to the grand jury saying Mr. Beane accessed a "**fictitious**"
13 (non-existent, imaginary, make-believe unreal) bank account (Indictment Att.
14 #71.2, #71.3, #71.4) while at the same time saying Mr. Beane took
15 \$31,000,494.97. (Att. #31.3) Was the account "**fictitious**" or did Mr. Beane take
16 \$31,000,494.97? It can't be both. The answer is Mr. Beane took \$31,000,494.97
17 from his treasury direct depository account using his own social security account
18 number.

1 (5) The FBI and US Attorneys never interviewed or spoke with Mr. Beane
2 about his private USAA Bank transactions. They didn't want or need his side of
3 the story because they knew what their goal was. They just ambushed him.

4 (6) They denied Mr. Beane a detention hearing to keep him in custody so
5 that he could not access any of his personal records regarding the transactions or
6 do any research. They caused Mr. Beane to be evicted from his home and lose his
7 job.

8 (7) They deceived the grand jury and trial jury about the definition of key
9 words: fraud, interstate commerce, and money laundering.

10 (8) The FBI agents, United States attorneys, and district court
11 magistrate/judges all knew they did not have subject-matter or personal jurisdiction
12 but they moved forward anyway. Here are some of the jurisdiction restrictions:

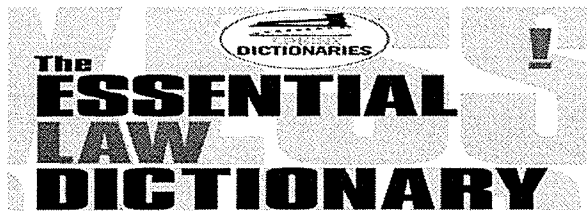
13 a. There are two ways for a federal court to gain subject matter jurisdiction:
14 (1) 28 U.S. Code § 1331 (federal question jurisdiction), and (2) 28 U.S.
15 Code § 1332 (diversity jurisdiction). They both pertain to **civil actions**.
16 (Att. #5, #6, and #7)

17 <https://definitions.uslegal.com/c/civil-action/>

Civil Action Law and Legal Definition

A civil action is an action that is brought to enforce, redress or protect a private or civil right. It is a non criminal litigation. If the action is brought by a private person it is termed as private action. If it brought by the government it is termed as public action.

In Gillson v. Vendome Petroleum Corp., 35 F. Supp. 815, 819 (D. La. 1940), the court defined civil action as "every species of "suit" not of a criminal kind, and comprehends every conceivable cause of action, whether legal or equitable, except such as are "criminal", in the sense that the judgment may be a fine or imprisonment, etc."



civil action. N. A lawsuit brought by a private citizen to protect a private or civil right or to seek a civil remedy; a noncriminal action.

A LAW DICTIONARY

ADAPTED TO THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA AND OF THE SEVERAL STATES OF THE AMERICAN UNION

by John Bouvier

Revised Sixth Edition, 1856

CIVIL ACTION. In New York, actions are divided only into two kinds, namely, criminal and civil. A criminal action is prosecuted by the state, as a party, against a person charged with a public offence, for the punishment thereof. Every other action is a civil action. Code of Procedure, s. 4, 5, 6; 3 Bouv. Inst. n. 2638. In common parlance, however, writs of mandamus, certiorari, habeas corpus, &c., are not comprised by the expression, civil actions. 6 Bin. Rep. 9.

1 b. 18 U.S. Code § 3052. **Powers of Federal Bureau of Investigation**

2 “...agents of the Federal Bureau of Investigation of the Department of
3 Justice may carry firearms, **serve warrants** and subpoenas **issued under the**
4 **authority of the United States** and make arrests without warrant for any
5 offense against the United States committed in their presence, or for any
6 felony cognizable under the laws of the United States...” (Att. #15) The
7 South Carolina disposed of bench warrant they used to arrest Mr. Beane July
8 11, 2017 was not issued under the authority of the United States and there
9 was no offense committed against the United States.

10 c. 28 U.S. Code § 516. **Conduct of litigation reserved to Department of Justice**

11 ...the conduct of litigation in which the United States, an agency, or
12 officer thereof is a party, or is interested... (Att. #17 and #18) The
13 party/plaintiff was not the nation. It was the corporation United States of
14 America and it did not have standing. The United States of America was not
15 a true party in interest. (Att. #33.2)

16 d. 28 U.S. Code § 547. **Duties**

17 United States Attorney shall prosecute for all offenses against the United
18 States; prosecute or defend for the government all civil actions...(Att. #18)

19 e. 18 U.S. Code § 3041. **Power of courts and magistrates**

20 “For any offense against the United States...” (Att. #14) Mr. Beane and
21 Mrs. Tucci:Jarraf did not commit an offense against the United States or
22 United States of America. (Att. #33.2)

23 “Where there is no jurisdiction, there can be no discretion, for discretion is
24 incident to jurisdiction.” (Piper v. Pearson, 2 Gray 120, cited in Bradley v.
25 Fisher, 13 Wall. 335, 20 L.Ed. 646; 1872)

26
27 “We (judges) have no more right to decline the exercise of jurisdiction
28 which is given, than to usurp that which is not given. The one or the other
29 would be treason to the Constitution.” (Cohen v. Virginia, (1821), 6
30 Wheat. 264 and U.S. v. Will, 449 U.S. 200)

1 “A judge must be acting within his jurisdiction as to subject matter and
2 person, to be entitled to immunity from civil action for his acts.” (Davis v.
3 Burris, 51 Ariz. 220, 75 P.2d 689; 1938)

4 To create an offense against the United States of America the perpetrators
5 first had to deceive the grand jury into believing the United States of America and
6 the United States are the same - and is a government entity. They’re not the same
7 and they’re not the government. The perpetrators and conspirators deceitfully use
8 United States and United States of America interchangeably even though they are
9 different corporate entities. Perpetrator and conspirator Thomas A. Varlan (then
10 Chief US District Judge) admitted the “United States” is not the government. (Att.
11 #78.2) And 28 U.S.C. § 3002(15) says: “United States” means – (A) a Federal
12 corporation. Attachment #67 and #68 makes it clear United States of America is
13 a corporation.

14 The perpetrators and conspirators decided to use the FDIC to imply there
15 was an ‘action against the United States’ even though no FDIC claim was filed and
16 the FDIC does not cover alleged “theft” or “stolen” “funds.” (Att. #36)

17 The conspiracy is crystal clear. If the perpetrators and conspirators had a
18 valid case they would not have conspired to create one. It is obvious that a group of
19 FBI investigators, US Attorney prosecutors, district court magistrates/judges, and
20 others had come together to fabricate a fraud and money laundering case against
21 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

1 When you look at the events of July 11, 2017, when Mr. Beane was at
2 Buddy Gregg RVs & Motor Homes to conduct a private business transaction, you
3 see that the arrest of Randall-Keith:Beane was not intended to be a typical law
4 enforcement action. It's clear they planned an ambush. Perpetrator and
5 conspirator Parker Still stated Buddy Gregg RVs & Motor Homes kept the FBI
6 informed of Mr. Beane's private transaction – WITHOUT A SUBPOENA. (Grand
7 Jury Transcript, P. 53, L 21-22, 24-25) The perpetrators and conspirators knew Mr.
8 Beane's private purchase of the motorhome was completed Friday, July 7, 2017,
9 but they waited until Tuesday, July 11, 2017 when Mr. Beane went in to pick up
10 the motorhome to flex their muscle and exert excessive force to arrest him. They
11 waited so they could ambush him – so that the FBI perpetrators could appear to be
12 in compliance with 18 U.S. Code § 3052 (“...committed in their presence...”) and
13 say they saw an offense committed ‘with their own eyes.’ But all they saw was a
14 man sitting behind the wheel of a motorhome he legally and lawfully purchased in
15 the name of a trust that he had not even driven off the lot. The perpetrators and
16 conspirators wanted to cause a big public scene—beat up Mr. Beane—and
17 humiliate him by pulling down his shorts. (Att. #34.8)

18 The FBI perpetrators and conspirators wanted to arrest Mr. Beane at Buddy
19 Gregg RVs & Motor Homes so they had to wait until their Buddy Gregg informant

1 advised them when Mr. Beane was physically there to pick up the trust's private
2 property motorhome.

3 Our analysis of the case is the perpetrators and conspirators are great
4 practitioners of the art of deception. They had a sinister plot and a playbook that
5 took them from indictment to conviction. Reversing the conviction on appeal was
6 not part of the plan so the plot and conspiracy had to continue. The perpetrators
7 and conspirators framed Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.
8 They incriminated two innocent people with fictitious falsified fraudulent
9 evidence. At least part of their motivation for the conspiracy likely was the
10 \$511,289.02 ordered by perpetrator and conspirator Thomas A. Varlan to be paid
11 to the US district court immediately in a lump sum by Randall-Keith:Beane.
12 (Att. #26.3) Perpetrator and conspirator Thomas A. Varlan said "Having assessed
13 the defendant's ability to pay." Where did he see Mr. Beane had \$511,289.02?
14 Did USAA Bank tell him about the \$31,000,494.97 they removed from Mr.
15 Beane's personal USAA bank account without a warrant? Or was he given access
16 to look into Mr. Beane's treasury direct depository account?

17 As you continue to read you will see the actions taken had nothing to do
18 with justice or the law – it was all about getting two people: Randall-Keith:Beane
19 and Heather-Ann:Tucci:Jarraf. The perpetrators and coconspirators only had eyes
20 for falsely imprisoning Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. They

1 didn't care about the tens or hundreds of thousands of other Americans who
2 accessed their treasury direct depository account during the same time period.
3 They didn't care about the man, "Harvey Dent," who showed everyone through a
4 YouTube video how to access their treasury direct depository account. They didn't
5 care about anyone else because this was a prosecution designed to falsely imprison
6 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to cover up the theft of
7 \$31,000,494.97 taken from Randall-Keith:Beane's personal USAA bank account.

8 We read the grand jury transcript, indictment, arrest warrants (78 pages),
9 eight volume trial transcripts (1436 pages), jurisdiction argument (115 pages—
10 Doc. 46, 47, 62 and Oct. 18, 2017 hearing), appeals court opinion (13 pages),
11 August 29, 2017 C. Clifford Shirley, Jr. hearing to remove Bobby Hutson, Jr.
12 (Public Defender) appointed for Randall-Keith:Beane by C. Clifford Shirley, Jr.
13 (34 pages—Doc. 40), and several other case documents. The actions taken by the
14 perpetrators and coconspirators were unlawful.

15 This is a shocking and ugly story about United States District Court Judges,
16 Sixth Circuit Appellate Judges, Department of Justice Prosecutors, FBI Agents,
17 Knoxville County Sheriff Deputies, Court Clerk, and other bad actors who
18 conspired against Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to falsely
19 imprison them and deprive them of their God-given liberty, freedom and rights.
20 The perpetrators and coconspirators manipulated evidence to secure an indictment

1 and conviction. The appellate judges and the BAR attorneys they appointed to
2 represent Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf could have enforced
3 the rule of law as they know it exists but they chose not to. They joined in and
4 played their role in the conspiracy. We suspect it was all done for the purpose of a
5 big pay day. Railroading Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf into
6 federal prison was a willful act to inflict pain and suffering to silence them and
7 cover up the \$31,000,494.97 heist.

8 Heather-Ann:Tucci:Jarraf provided lawful assistance with regard to the
9 Randall-Keith:Beane Factualized Trust and that work apparently provided the
10 opportunity for the perpetrators and conspirators to make up a charge against
11 Heather-Ann:Tucci:Jarraf to get her for her work in foreclosing the United States
12 of America corporation, the Federal Reserve, the BIS, etc. through the Uniform
13 Commercial Code.

14 Mrs. Tucci:Jarraf has the right to earn a living income by being compensated
15 with wages in a fair exchange for her work. She is also entitled to offer her
16 services free of charge as was the case with Mr. Beane.

17 The perpetrators and conspirators bullied, threatened, lied, deceived,
18 misrepresented, and concealed their way to an indictment and conviction.

19 We read the “**Report of the Commission on Unalienable Rights**” and hope
20 that you will keep the following passage in mind as you read about the judges,

1 prosecutors, investigators, deputy sheriffs, bankers and others who plotted and
2 conspired against Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. The
3 conspiracy led them to commit criminal acts such as fraud, felony aggravated
4 assault causing bodily injury, felony kidnapping, and felony false imprisonment in
5 violation of 18 U.S. Code § 4. (Att. #44) Perpetrators and conspirators were on a
6 mission – not of justice – to terrorize Randall-Keith:Beane and Heather-
7 Ann:Tucci:Jarraf and to deprive them of their rights.

8 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were treated as though
9 they had NO RIGHTS at all, but the Creator has absolutely given them the right to
10 life, liberty, freedom, private property and the pursuit of happiness. These God-
11 given rights are acknowledged in the Declaration of Independence, Bill of Rights,
12 Constitution and case history: “Every man is independent of all laws, except those
13 prescribed by nature. He is not bound by any institutions formed by his fellow-
14 men without his consent.” (Cruden vs. Neale, 2 NC 338)

15 As stated in City of Dallas v. Mitchell (245 S.W. 944 (1922)), "**The rights of**
16 **the individual are not derived from governmental agencies**, either municipal,
17 state or federal, **or even from the Constitution. They exist inherently in every**
18 **man, by endowment of the Creator**, and are merely **reaffirmed in the**
19 **Constitution...**”

1 The perpetrators and conspirators trampled all over Mr. Beane's and Mrs.
2 Tucci:Jarraf's Rights. The Report of the Commission on Unalienable Rights,
3 outlines some of those rights in the following paragraphs located on page 13 (Att.
4 #58.2):

5 The aim must always be to restore political society. The civil liberty that political
6 society makes possible — **the rights to travel**; to enter contracts and agreements;
7 to possess, use, purchase, and dispose of property; to the **protection of person and**
8 **property**; to the **equal application of criminal laws**; and to **fair and equal**
9 **treatment in court** — enables individuals to live safely in their families and
10 communities and to enjoy their unalienable rights.

11
12 “Foremost among the unalienable rights **that government is established to**
13 **secure**, from the founders' point of view, are **property rights** and religious liberty.

14 A political society that destroys the possibility of either loses its legitimacy.
15 For the founders, **property refers not only to physical goods and the fruit of**
16 **one's labor but also encompasses life, liberty, and the pursuit of happiness.**
17 They assumed, following philosopher John Locke, that the protection of property
18 rights benefits all by increasing the incentive for producing goods and delivering
19 services desired by others.”

20
21 “Protection of property rights is also central to the effective exercise of positive
22 rights and to the pursuit of happiness in family, community, and worship. **Without**
23 **the ability to maintain control over one's labor, goods, land, home, and other**
24 **material possessions, one can neither enjoy individual rights nor can society**
25 **build a common life.** Moreover, the choices we make about what and how to
26 produce, exchange, distribute, and consume can be tightly bound up with the kinds
27 of human beings we wish to become. Not least, **the right of private property**
28 **sustains a sphere generally off limits to government, a sphere in which**
29 **individuals, their families, and the communities they form can pursue**
30 **happiness in peace and prosperity. “**

1 **II) Perpetrators and Coconspirators:**

- 2 1) David True Brown, Jr., Director, Financial Crimes Investigation USAA
3 Bank – Texas
- 4
- 5 2) Wayne Peacock, USAA Bank CEO and President – Texas
- 6
- 7 3) Stuart Parker, USAA Bank Former CEO and President – Texas
- 8
- 9 4) Dan McNamara, President USAA Bank – Texas
- 10 5) Michael Merwarth, Senior Vice President USAA Bank – Texas
- 11
- 12 6) Torben Ostergaard, Executive Vice President and Chief Risk Officer USAA
13 Bank – Texas
- 14
- 15 7) Dana Simmons, Executive Vice President, CEO Chief of Staff USAA Bank
16 – Texas
- 17
- 18 8) Laura Bishop, Executive Vice President and Chief Financial Officer USAA
19 Bank -- Texas
- 20
- 21 9) FBI Special Agent Parker Still, Esq. -- Knoxville, Tennessee
- 22 10) FBI Special Agent Jimmy Durand – Knoxville, Tennessee
- 23 11) FBI Special Agent Jason Pack -- Knoxville, Tennessee
- 24 12) FBI Special Agent Joelle Vehec -- Knoxville, Tennessee
- 25 13) FBI Forensic Accountant Zach Scrima -- Washington, DC
- 26 14) Asst. U.S. Attorney Cynthia F. Davidson, Esquire -- Tennessee
- 27
- 28 15) Asst. U.S. Attorney Anne-Marie Svolto, Esquire – Tennessee
- 29
- 30 16) United States Attorney Nancy Stallard Harr -- Tennessee
- 31 17) United States Attorney James Douglas Overbey -- Tennessee

- 1 18) US District Judge Thomas A. Varlan - Tennessee
- 2 19) US Magistrate Judge C. Clifford Shirley, Jr. (Retired) -- Tennessee
- 3 20) United States Magistrate Judge (then clerk) Debra C. Poplin (District
4 Court for the Eastern District of Tennessee)
- 5
- 6 21) Court Clerk John Medearis (then chief deputy clerk) (District Court
7 for the Eastern District of Tennessee)
- 8
- 9 22) Jaron Patterson, Univ. of Tennessee Police Dept. and FBI Cyber Task
10 Force Investigator
- 11
- 12 23) Knoxville County Sheriff Deputy Blaine -- Tennessee
- 13
- 14 24) Sean O'Malley, New York Federal Reserve Investigator, and the New
15 York Federal Reserve Bank -- New York
- 16
- 17 25) Stephen G. McGrath (Assigned by Court to be Randall-Keith:Beane's
18 trial "elbow counsel.")
- 19
- 20 26) Bobby Hutson, Jr. (Tennessee Public Defender appointed for Randall-
21 Keith:Beane by United States Magistrate Judge C. Clifford Shirley, Jr.)
- 22
- 23 27) Stephen Louis Braga, Univ. of Virginia, Appellate Litigation Clinic
24 (Unauthorized Appellant Brief filed by Mr. Braga for Randall Keith Beane)
- 25
- 26 28) Dennis G. Terez, Counsel for Appellant Heather Ann Tucci:Jarraf
- 27
- 28 29) Jeffrey Sutton, Circuit Judge, U.S. Court of Appeals for the Sixth Cir.
- 29
- 30 30) Deborah L. Cook, Senior Circuit Judge, U.S. Court of Appeals for the
31 Sixth Circuit
- 32
- 33 31) Amul Thaper, Circuit Judge, US Court of Appeals for the 6th Circuit
- 34 32) Jason Stone, Ridgeland, South Carolina Police Officer
- 35 33) Leah Spoone, Knoxville County Sheriff Arresting Officer

1 34) Sara Andersen, Affiant, Knoxville County Sheriff Arresting Officer

2 35) D.T. Harnett, FBI Task Force Office

3
4 36) Terry Wilshire, Captain, Knox County Sheriff's Office

5
6 37) John and Jane Doe

7 **III) Emolument Violations** (Article I, Sect. 8, Clause 14 – Rules for the
8 Government/the US Code – ICCPR Treaty – US and State Constitution):

9 **DEFINITION**

10 **EMOLUMENT.** The profit arising from office or employment; that which is
11 received as a compensation for services, or which is annexed to the possession of
12 office as salary, fees, and perquisites; advantage; gain, public or private. Webster.
13 Any perquisite, advantage, profit, or gain arising from the possession of an office.
14 (Black's Law Dictionary, 4th Edition, P. 616)

15
16 **EMOLUMENT.** The lawful gain or profit which arises from an office. (Bouvier's
17 Law Dictionary, Revised Sixth Edition, P. 687)

- 18
- 19 • United States Constitution – Due Process - Amendments IV, V, VI, and XIV
 - 20 • Tennessee Constitution – Article I – Declaration of Rights to include
21 sections 2, 7, 8, 9, 10, 15, 18 and 21. (Att. #73.1, #73.2, #73.3)
 - 22
 - 23 • International Covenant on Civil and Political Rights Treaty Article 1, Article
24 6, 7, 8, 9, 10,12, 14, 17 (Att. #35.1, #35.2, #35.3, #35.4)
 - 25 • 18 U.S. Code § 241.Conspiracy against rights (Att. #38)
 - 26 • 18 U.S. Code § 242.Deprivation of rights under color of law (Att. #39)
 - 27 • 18 U.S. Code § 1590.Trafficking with respect to peonage, slavery,
28 involuntary servitude, or forced labor (Att. #40)

- 1 • 39-14-405 -- Tennessee Criminal Trespass (Att. #50)
- 2 • 25 CFR § 11.411 - Criminal trespass (Att. #47)
- 3 • 39-13-101 – Tennessee Assault (Att. #48)
- 4 • 39-13-102 – Tennessee Aggravated Assault (Att. #49)
- 5 • Tennessee Code § 40-6-103. Probable cause and affidavit (Att. #52)
- 6 • Tennessee Code § 40-6-104. Examination of complainant (Att. #53)
- 7 • Tennessee Code § 40-6-201. "Warrant of arrest" defined
- 8 • Tennessee Code § 40-6-203. Examination of affiant
- 9 • Tennessee Code § 40-6-205. Issuance of warrant
- 10 • Tennessee Code § 40-6-208. Contents of warrant (Att. #54)
- 11 • Tennessee Code § 40-6-216. Copies of warrants (Att. #55)
- 12 • 18 U.S. Code § 1621. Perjury (Att. #42)
- 13 • 18 U.S. Code § 2382. Misprision of treason (Att. #43)
- 14 • 18 U.S. Code § 2234. Authority exceeded in executing warrant (Att. #12)
- 15 • 18 U.S. Code § 2236. Searches without warrant (Att. #13)
- 16 • 18 U.S. Code § 4. Misprision of felony (Att. #44)
- 17 • 18 U.S. Code § 371. Conspiracy to commit offense or to **defraud United**
- 18 **States** (Wrongful use of a governmental agency or instrumentality.) (Att.
- 19 #46)

1 • 22 U.S. Code § 7102. Definition--Abuse or Threatened Abuse of Law or
2 Legal Process and Coercion (Att. #22)

3 • Executive Order 13818 of December 20, 2017 - Blocking the Property of
4 Persons Involved in Serious Human Rights Abuse or Corruption

5 **IV) Summary of the Case**

6 On July 11, 2017, after completing a private business transaction at Buddy
7 Gregg RVs & Motor Homes in Knoxville, Tennessee, eight (8) or nine (9)
8 junkyard dogs dressed in suits (Trial transcript, Vol. V, P. 114, Line 4-6), who did
9 not identify themselves as FBI agents, physically assaulted and unlawfully arrested
10 Randall-Keith:Beane. Four of the eight or nine are named in this complaint. The
11 other names are unknown.

12 Let's start with the trial excerpt that shows how United States of America v.
13 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf started according to FBI
14 perpetrator and coconspirator Parker Still:

15 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still (FBI), Trial**
16 **Transcript Volume I, P. 48-51, Line 17-25, 1-25, 1-12, 8-25, 1-2**

17
18 Q So what actual information, when you were writing this affidavit, okay, for
19 the seizure of the vehicle –

20
21 A Right.

22
23 Q what actual information had you received that there was actually a possible
24 crime committed by Mr. Beane to believe that the RV wasn't his?

1 A The information primarily from what I've stated from USAA at the time.
2 That's what we were relying on, that information from USAA that is telling us that
3 their money has been stolen.

4
5 Q Was there a complaint filed so it's in writing or was this just a phone
6 conversation?

7
8 A No. So we got some -- we had some written information from USAA, and
9 then we -- I believe I was referencing back to my 302, again that -- the
10 memorandum, where I'm actually on the phone. We're conducting an interview
11 with Mr. Brown (True Brown of USAA Bank), at this time who you're referencing,
12 to get all that information, yes, ma'am.

13
14 Q Okay. So you found out about the funds approximately the 10th?

15
16 A Uh-huh.

17
18 Q And on the 11th, you didn't have any kind of written report from USAA,
19 just that someone had stolen their money.

20
21 A We had just some -- some basic facts that were provided to us by USAA
22 in a document, yes, ma'am.

23
24 Q In a document?

25
26 A Yes, ma'am.

27
28 Q And that document is what document?

29
30 A I believe.

31
32 Q On USAA letterhead or --

33
34 A I think it was attached to an e-mail from USAA. Again, and I followed up
35 with an interview.

36
37 Q Uh-huh. And what was this attachment?

38
39 A There was some notes I know, like I was describing, and then I think there
40 was some kind of maybe IP logs that showed a -- where, you know -- just IP logs.

1 Q And that is what you used to make a determination that a -- when you
2 were working on an affidavit for the warrant, because you have to basically have
3 an application of affidavit, an affidavit application for a warrant in order for
4 a warrant to be issued. Is that correct?

5
6 A You have -- yeah, well you have an affidavit that we swear to, you know,
7 facts, and then, yeah, it's -- yes, ma'am. You would then, I guess, you -- yeah,
8 there is an application, an affidavit, and then you ultimately get an order from the
9 court -- from the magistrate judge, yes, ma'am.

10
11 Like I said, we were working on the affidavit. It is not a finished product at this
12 time. We are working on it. We have credible, reliable information from one of
13 the, you know, a large financial -- United States financial institution that a theft has
14 occurred. And we are conducting an investigation accordingly and reacting
15 accordingly. Have no reason to doubt USAA's information that they provided
16 to us.

17
18 Q So at that point, you had determined that USAA Bank was the victim
19 before looking at any other information?

20
21 A I -- at that time, yes.

22
23 You just read perpetrator and conspirator Parker Still say that on July 11,
24 2017 (armed with USAA "HE SAID" basic facts) he snatched Randall-
25 Keith:Beane out of his life, kidnapped him, and stole the private property
26 motorhome without an arrest warrant and without a search and seizure warrant.
27 Perpetrator Still had no direct knowledge. He did not have a sworn complaint. He
28 did not investigate. He said he relied on what he was told by USAA Bank.

29 Perpetrator and conspirator Parker Still went on a crime spree that included
30 aggravated assault (Att. #34.5, #34.6, #34.7, #30.5) felony kidnapping (Att. #30.4,
31 #34.9, #34.10, #41), and deliberate misuse and abuse of power. (Att. #15, #12,

1 #22) US Attorney perpetrators Cynthia F. Davidson and Anne-Marie Svolto went
2 on the crime spree with their coconspirator joining malfeasant officials as
3 malfeasant prosecutors and malfeasant judges -- all of them defecating on the
4 United States and Tennessee Constitutions along their conspiracy plotting way
5 with total disregard for Mr. Beane's rights. (Att. #17, #18, Trial Transcript
6 Volume I, P. 57 Line 15-23)

7 Government agencies and instrumentalities are divisions of the federal
8 government that serve a specific public purpose. Those in positions of emolument
9 are there to perform a governmental function guided by the restrictions set forth in
10 the US code which describes their jurisdiction. FBI and DOJ perpetrators and
11 conspirators operated outside their jurisdiction – 18 U.S. Code § 3052 (FBI – Att.
12 #15), 28 U.S. Code § 547 (US Attorney – Att. #18), and 28 U.S. Code § 516 (DOJ
13 – Att. #17). They used their position of emolument to frame and falsely imprison
14 two innocent Americans under color of law in violation of 18 U.S. Code § 371, etc.
15 (Att. #46, #22, #38, #39, etc.)

16 Perpetrator and conspirator Parker Still made it clear he found out about the
17 “funds” on July 10, 2017 by way of an e-mail he received from USAA Bank
18 investigator and former FBI agent True Brown.

19 With “basic facts” provided by USAA Bank in an e-mail attachment in the
20 form of ‘notes and IP logs’ perpetrator and conspirator Parker Still says he was

1 able to determine Randall-Keith:Beane, whom he had never met nor interviewed,
2 had committed a crime.

3 The next day, July 11, 2017, Randall-Keith:Beane was completing a private
4 business transaction at Buddy Gregg RVs & Motor Homes in Knoxville,
5 Tennessee when he was ambushed by FBI special agent Parker Still, Esq., FBI
6 special agent Jimmy Durand, FBI special agent Jason Pack, FBI special agent
7 Joelle Vehec, FBI Task Force Office D.T. Harnett, and unknown Knoxville county
8 sheriff deputies. They didn't have a copy of a warrant. The warrant they verbally
9 alleged to exist was a South Carolina warrant disposed of two years earlier. They
10 didn't have a complaint or sworn affidavit. They had never met, interviewed, or
11 spoken to Randall-Keith:Beane, but they proceeded to unlawfully trespass on a
12 private motorhome without consent, dragged Mr. Beane out of the private
13 property, beat him up inflicting a bleeding cut on his head, twisted his arm, gave
14 him a black eye and a bruised body (Att. #34.6 and #34.7), pulled down his shorts
15 (Att. #34.8, #34.9) and made him stand handcuffed in the hot Tennessee summer
16 sun for 45 minutes to an hour (Trial transcript, Vol. V, P. 114, Line 7-15). They
17 bandaged Mr. Beane's head too tight (Att. #34.8) likely to ensure further
18 discomfort and pain. They eventually threw Randall-Keith:Beane in a jail cell and
19 left him there for 17 days without a warrant or probable cause hearing. Trial
20 excerpt:

1 **Heather-Ann:Tucci:Jarraf Cross-examination of perpetrator and**
2 **coconspirator Parker Still, Trial Testimony, Volume I, P. 53, Line 3-7):**

3
4 Q yes or no, was the first time that you met Randall on July 11th when
5 your teams passed him out of the vehicle? Was that the first time?

6
7 A **The first time we ever met Mr. Beane was on July 11th.**

8
9 FBI special agents arrested Randall-Keth:Beane on July 11, 2017 in
10 Tennessee using a South Carolina statewide traffic related bench warrant
11 that had been disposed of two-years earlier. (Att. #1.2 and #2.1). They
12 asked Knoxville county sheriff deputy perpetrators and coconspirators to
13 hold Mr. Beane like you might ask someone to hold a sack of potatoes for
14 you until you come back. But it wasn't a sack of potatoes. It was a man – a
15 live, breathing member of mankind with God given unalienable rights that
16 were trampled upon. The FBI perpetrators and coconspirators knew there
17 was no probable cause so they dared not go before a magistrate/judge. They
18 knew they did not have a valid warrant so they asked Knoxville county
19 sheriff to hold Mr. Beane while they presented a tale to the grand jury on
20 July 18, 2017 and created all the fictitious documents they needed to be able
21 to place Mr. Beane in the federal system.

22 Knoxville county sheriff had NOOOOOO reason to hold Mr. Beane in their
23 system so they had to make one up. They decided against being honest and telling
24 the FBI we're not holding him for you because we don't have a reason to and

1 clearly you don't either. They decided to use the statewide South Carolina traffic
2 related bench warrant that had been disposed of two years earlier (Att. #1.2 and
3 #2.1) to say "he's a fugitive from justice" and hold Mr. Beane while FBI and DOJ
4 perpetrators and conspirators scrambled to get their fraudulent indictment and
5 arrest warrant.

6 Knoxville County Sheriff knew the South Carolina traffic related bench
7 warrant was statewide and it had been disposed of two years earlier. They knew
8 this but they unlawfully and illegally continued to detain Mr. Beane.

9 Knoxville county sheriff's fake case against Randall-Keith:Beane went
10 through Tennessee's General Sessions Court where an honest judge, Magistrate
11 Rowe, tried to put the brakes on their chicanery. Magistrate Rowe issued a release
12 July 13, 2017 and the Knoxville county sheriff still did not release Randall-
13 Keith:Beane. Captain Terry Wilshire of the Knoxville county sheriff's department
14 testified as follows:

15 **Heather-Ann:Tucci:Jarraf Cross Examination of Terry Wilshire, Volume**
16 **VII, P. 23-24, Line 21-25; 1-25**

17
18 Q Okay. And, again, it shows two warrants, Warrant 1202006
19 with a star next to it. Correct?

20
21 A Correct.

22
23 Q Okay. And it also lists another Warrant 1202373. Correct?

24
25 A That is correct.
26

1 Q Okay. And it has a booking date next to each warrant. This one
2 shows July 12th for the booking date of warrant ending in 2006. Correct?

3
4 A Correct.

5
6 Q With a serve date of July 12th?

7
8 A Uh-huh.

9
10 Q And for the other warrant ending in 2373, it shows booking
11 date of 7/13/2017. Correct?

12
13 A Correct.

14
15 Q And it shows served date July 13th, 2017. Correct?

16
17 A That's correct.

18
19 Q Okay. And then below that, is the star with "**Per Magistrate**
20 **Rowe, will ROR.**" Correct?

21
22 A Correct.

23
24 Q Okay. And **ROR**?

25
26 A **Means release on recognizance.**

27
28 Q **And it shows underneath that, "Has emailed DA with**
29 **circumstances to have this instrument cancelled."** Correct?

30
31 A **That's correct.**

32
33 Q Okay. And the actual date of this report was on July 13th,
34 2017. Correct?

35
36 A Correct.

37
38 Q At 23:41 hours?

39
40 A That's correct.

1 **Heather-Ann:Tucci:Jarraf Cross Examination of Terry Wilshire, Volume**
2 **VII, P. 25, Line 3-5**

3
4 A That's a release issued from the courts.

5
6 Q This was issued on July 13th, 2017. Correct?

7
8 A Yes.

9
10 Perpetrator and conspirator Sheriff Deputy Leah Spooner unlawfully arrested
11 Mr. Beane July 12, 2017 while he was unlawfully in the custody of the sheriff at
12 the request of the FBI who had unlawfully arrested Mr. Beane the day before –
13 July 11, 2017. Perpetrator and conspirator Sheriff Deputy Sara Andersen
14 unlawfully arrested Mr. Beane a third time July 13, 2017 while he was still in the
15 custody of the sheriff being unlawfully held for the FBI. Even though **Tennessee**
16 **General Sessions Court Magistrate Rowe told them to release Randall-**
17 **Keith:Beane July 13, 2017** – they did not! Knoxville County Sheriff decided to
18 continue to hold Randall-Keith:Beane until the FBI could serve their detainer July
19 19, 2017 – **six days after** the magistrate ordered Mr. Beane's release. You see on
20 the 13th the FBI still did not have an indictment or a federal warrant. The grand
21 jury hearing was scheduled for the 18th so they had to wait until the 18th to get the
22 fraudulent indictment. The fictitious and fraudulent Tennessee district court arrest
23 warrant was not issued until the 19th. Knoxville County Sheriff unlawfully
24 detained Randall-Keith:Beane after the general sessions court ordered them to
25 release Mr. Beane. They continued to unlawfully detain Mr. Beane while the FBI

1 gathered their fraudulent documents so they could transfer Randall-Keith:Beane to
2 the federal system. Trial transcript:

3 **Cynthia F. Davidson Recross-Examination of Parker Still Trial Transcript,**
4 **Volume VII, P. 60, Line 8-24**

5
6 Q Just to make it clear, what's a detainer?

7
8 A A detainer is simply -- just basically lets another agency know there's
9 a federal warrant and not to release that individual, because that would just -- I
10 mean, **that would create extra work** and a risk to public safety, someone who
11 we've got a federal indictment for to be released. So we're just simply notifying
12 that agency that there's a federal warrant out there.

13
14 Q Okay. And specifically with Mr. Beane, **we had tons of testimony**
15 **that he was being held on the South Carolina warrant in -- by the Knox**
16 **County Jail.** Why did you send a detainer to the Knox County Jail?

17
18 (REMEMBER—the South Carolina warrant perpetrator and coconspirator Cynthia
19 F. Davidson referred to was disposed of two years earlier – July 17, 2015 – AND
20 SHE KNEW IT!)

21
22 A Simply because that's where he was located.

23
24 Q So he was held in state custody, and you were notifying them that
25 before they released him, he needed to be transferred to federal custody?

26
27 A Yes, ma'am.

28
29 Neither the FBI nor the Knox county sheriff had lawful authority to hold Mr.
30 Beane on a South Carolina statewide traffic related bench warrant that had been
31 disposed of two years earlier. FBI and Knox county sheriff deputy perpetrators
32 and conspirators kept Randall-Keith:Beane jailed unlawfully and illegally for

1 seventeen (17) days until they arrested him the 4th time – with a fraudulent district
2 court warrant issued in connection with a fraudulent indictment.

3 Randall-Keith:Beane was arrested four times and not one of them was with a
4 valid warrant:

5 1) The FBI arrested Randall-Keith:Beane at Buddy Gregg RVs & Motor
6 Home on July 11, 2017. They had no warrant or indictment or other
7 paperwork to legally and lawfully detain Mr. Beane so they asked
8 Knoxville county sheriff to detain Randall-Keith:Beane until they could
9 get the documents they needed to put Mr. Beane in the federal system.

10
11 2) The Knoxville county sheriff department used the South Carolina
12 statewide traffic related bench warrant disposed of two years earlier as
13 the predicate to arrest Mr. Beane July 12, 2017 (having already held him
14 for 24 hours unlawfully without a warrant) as a “fugitive from justice” in
15 order to put him in their system. They had to put Mr. Beane in their
16 system to continue to detain him for the FBI while the FBI gave
17 fraudulent testimony to a grand jury to secure a fraudulent federal
18 indictment and obtain a fraudulent arrest warrant.

19
20 3) Knoxville county sheriff’s dept. arrested Mr. Beane again July 13, 2017
21 because they made a typo in the July 12, 2017 arrest warrant. Trial
22 transcript:

23
24 **Heather-Ann:Tucci:Jarraf Cross Examination of Terry Wilshire, Volume**
25 **VII, P. 37, Line 8-13**

26
27 A Replaced. If not corrected, it was replaced. Replaced by
28 a new one, because it had a typo on the other one, the top one.

29
30 Q So it was replaced with the second warrant that's listed
31 there?

32
33 A Correct.

34
35 July 13th is the day the General Sessions Court magistrate judge told the sheriff to
36 release Mr. Beane. The magistrate judge also sent a note to the DA to cancel the

1 instrument. The magistrate judge clearly saw the fraud in what the perpetrators
2 and coconspirators were doing.

3
4 4) On July 27, 2017 (17 days later) the FBI finally got around to arresting
5 Mr. Beane at the Knoxville county jail with a United States District Court
6 fraudulent fictitious signed arrest warrant issued July 19th. The sheriff
7 held Mr. Beane from July 11th through July 27th (17 Days) without a valid
8 warrant. The US district court took over the fraud on the 27th.

9
10 The first three arrests were based on the South Carolina statewide
11 misdemeanor traffic related bench warrant that had been disposed of two years
12 earlier. The fourth (4th) time they arrested Randall-Keth:Beane it was based on a
13 fraudulent fictitious signed Tennessee district court warrant that was issued based
14 on a fraudulent indictment in which perpetrator and conspirator Parker Still and the
15 FBI did not have jurisdiction to initiate the case. Perpetrator and conspirator
16 Parker Still was the one and only witness – to what you ask? He said he saw with
17 his own eyes a man sitting behind the wheel of a private property motorhome with
18 the engine and air conditioning running on a hot summer Tennessee day.

19 They did all this to Randall-Keth:Beane using a South Carolina statewide
20 (not national or international) misdemeanor traffic related bench warrant that had
21 been disposed of two years earlier.

22 Mr. Beane had the Right to be presumed innocent, suffering no detention or
23 arrest and no search or seizure without reasonable cause. He was entitled to a
24 presumption of innocence but the perpetrators decided he was guilty long before
25 they arrested him. This is because he was targeted. It wasn't about justice or the

1 rule of law. It was about someone getting their rabid paws on \$31,000,494.97.

2 (Att. #31.3)

3 The FBI did not have a sworn complaint, first-hand account, or jurisdiction
4 to testify before a grand jury about Mr. Beane's private business transaction.

5 **Parker Still Grand Jury Testimony, P. 21, Line 3-5**

6 "He (Randall-Keith:Beane) was arrested. Just to clarify, **he was arrested by**
7 **us (FBI) on – he had an outstanding warrant on a state charge.**" (Att. #29.3)

8
9 Please note perpetrator and conspirator Parker Still does not identify which
10 state he's referring to leaving it up to the grand jury to presume he was referring to
11 Tennessee when he said "state charge." He intentionally misled the grand jury into
12 thinking he was referring to an outstanding Tennessee warrant. The state warrant
13 perpetrator and conspirator Parker Still referred to was a South Carolina statewide
14 misdemeanor traffic related bench warrant that had been disposed of two years
15 earlier. There was NO OUTSTANDING WARRANT and NO FBI
16 JURISDICTION.

17 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation) states a
18 **FBI agent has the authority to serve warrants issued under the authority of**
19 **the United States**. It says nothing about digging up an old South Carolina state
20 traffic related warrant. Perpetrator and conspirator Parker Still said under oath the
21 FBI arrested Mr. Beane using "an outstanding warrant on a state charge." (Att.
22 #29.3 and #31.6) It was not outstanding, active, or in Tennessee.

1 On/about July 18, 2017, knowing the FBI did not have jurisdiction,
2 perpetrator and conspirator Parker Still, who had beat up Randall-Keith:Beane
3 seven days earlier, sashayed down to the grand jury to testify and bear false
4 witness against the man whom he had never met nor interviewed and whom he had
5 participated in the aggravated assault. Perpetrator and conspirator Parker Still was
6 the ONE-AND-ONLY witness to testify before the grand jury. Randall-
7 Keith:Beane and Heather-Ann:Tucci:Jarraf were indicted that day.

8 On/about July 19, 2017 the United States District Court for the Eastern
9 District of Tennessee issued **fraudulent warrants** to arrest Randall-Keith:Beane
10 and Heather-Ann:Tucci:Jarraf. The warrants were supposed to be signed by the
11 clerk – they weren’t. The warrants appear to have been signed with a fictitious
12 name -- “A. Brush.” They were signed with “deputy clerk” title. 18a U.S. Code
13 Rule 9 (Arrest Warrant on an Indictment) requires the clerk to sign the arrest
14 warrant. (Att. #10)

15 There was no probable cause hearing and Randall-Keith:Beane was not
16 given a detention hearing. Under threat and duress, on/about July 27, 2017,
17 Randall-Keith:Beane was forced to sign a “waiver of detention hearing” approved
18 by perpetrator and conspirator magistrate judge C. Clifford Shirley.

1 On/about August 29, 2017 Randall-Keith:Beane had his public defender
2 (Bobby Hutson) raise the issue of the detention hearing and it fell on deaf ears:
3 Hearing transcript:

4 “MR. HUTSON: I understand, Your Honor. He is also potentially going to
5 want to request some type of detention hearing or update. **THE COURT:** We can't
6 get started, **we can't get to that.**” (P. 9, Line 11-14, August 29, 2017 C. Clifford
7 Shirley, Jr. hearing to remove Bobby Hutson, Jr. [Public Defender] appointed by
8 C. Clifford Shirley, Jr., Document. 40, 34 pages – Att. #61.2)

9 Perpetrators and conspirators Thomas A Varlan and C. Clifford Shirley
10 know subject matter jurisdiction cannot be waived and personal jurisdiction cannot
11 be gained by kidnapping. Because the FBI did not have jurisdiction, legal or
12 lawful authority, to snatch Randall-Keith:Beane out of his life and throw him in a
13 jail cell, the district court certainly did not have jurisdiction to proceed.

14 With no valid arrest warrant and no consent it is, indeed, **KIDNAPPING!**
15 (Att. #41) They kidnapped Randall-Keith:Beane using a disposed of South
16 Carolina statewide misdemeanor traffic related bench warrant. They snatched
17 Heather-Ann:Tucci:Jarraf out of her life by kidnapping her with an invalid
18 **fraudulent fictitious signed arrest warrant** issued by the United States District
19 Court for the Eastern District of Tennessee.

20 In legal prosecution all legal requisites must be complied with to confer
21 jurisdiction on the court in criminal matters. They didn't have a valid warrant.
22 They never held a probable cause hearing for Randall-Keith:Beane. And they

1 forced Randall-Keith Beane to sign a detention hearing waiver. At that stage how
2 did perpetrators and conspirators United States district judge Thomas A. Varlan
3 and United States magistrate judge C. Clifford Shirley determine the courts
4 authority to proceed and adjudicate the matter? They knew they didn't have
5 jurisdiction to proceed but that didn't matter because this case was not about
6 justice or the rule of law. It was a prosecution intended to human traffic and
7 imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. Randall-
8 Keith:Beane and Heather-Ann:Tucci:Jarraf had to be moved out of the way to hide
9 the theft of \$31,000,494.97 stolen from Randall-Keith:Beane.

10 During the trial DOJ perpetrators and conspirators pushed the lie about
11 Randall-Keith:Beane's social security account number being altered. The color of
12 law codes charged 18 USC §1343 (Fraud by wire, radio, or television), §1344
13 (Bank fraud), §1956 (Laundering of monetary instruments), and §1957 (Engaging
14 in monetary transactions in property derived from specified unlawful activity) are
15 ALL based on the obvious lie the prosecutors told that Randall-Keith:Beane used
16 his social security account number with one digit altered.

17 It is a fairly ridiculous argument to say Randall-Keith:Beane changed his
18 social security account number by one digit to make the transaction go through and
19 not explain how Randall-Keith:Beane would know to change the 3rd digit by
20 moving it up one digit. The first three digits of Randall Keith Beane's social

1 security account number are 243. They said he changed it to 244 to get the
2 transaction to go through. How would Randall-Keith:Beane have known to do
3 that? You don't get endless attempts to guess the correct account number in a
4 banking transaction. They didn't accuse Randall-Keith:Beane of computer
5 hacking so how would he have known to change his social security account
6 number by moving the third digit up one digit – from 243 to 244? This is among
7 the intentional and deliberate lies the perpetrators and conspirators stated to
8 mislead the grand jury and trial jury.

9 One of the grand jurors knew it was a false and ridiculous accusation.

10 GRAND JURY transcript:

11 **A JUROR:** I really have a problem trying to wrap around the idea that a
12 fine institution that handles money all day long can accept somebody doing this.
13 And without batting an eye and open a CD for, what was the first one, 500,000 in
14 money? That they don't have any proof that there's 500,000 to cover CD, and then
15 it goes on to the 999,000. (Grand Jury Transcript, P. 57, Line 16-21)

16 If I go and use my debit card before I get back home it's already taken out of
17 my account, you know what I'm saying? I can check my bank online and it's
18 already gone. How does an electronic wiring fraud happen when I can't do it on a
19 \$20 Food City grocery bill. I mean, they know before I leave that aisle that I've
20 got \$20 in there to cover that bill. How does that happen? **I mean, how--** (Grand
21 Jury Transcript, P. 57-58, Line 22-25; 1-5)

22 Perpetrator and coconspirator Cynthia F. Davidson shut-down the grand
23 juror. Her role was to get that indictment so they could proceed to prosecution.

24 **MS. DAVIDSON:** I don't know if that's a proper question for the
25 consideration of the Grand Jury. I mean, the fact of the matter, we showed you
26 evidence that it did happen in this case. (Grand Jury Transcript, P. 58, Line 6-9)

1 The grand juror knew the accusation that Mr. Beane altered his social
2 security account number by one digit was nonsensical. It was likely hard for the
3 grand juror(s) to imagine the US Attorney prosecutors and FBI witness would lie
4 to them so even though the prosecutor's cockamamie story didn't add up they went
5 with it.

6 The grand juror's job is to question and investigate. Perpetrator and
7 conspirator Cynthia F. Davidson didn't appreciate the grand juror asking questions
8 so she bullied the grand juror into shutting up and it clearly worked.

9 Without the absurd accusation that Mr. Beane changed one digit in his social
10 security account number §§1343, 1344, 1956, and 1957 all go down the tubes.
11 Their fraud and money laundering charge was completely dependent upon their
12 allegation Mr. Beane changed one digit in his social security account number.

13 To further elaborate on this piece of the conspiracy, thousands of other
14 Americans accessed their treasury direct depository account during this same time
15 frame. Did they all change their social security account number by one digit? Of
16 course not – they used their social security account number to access their treasury
17 direct depository account.

18 On July 11, 2017 perpetrator and conspirator True Brown (USAA Bank
19 Investigator) sent an email (the day of the unlawful arrest of Randall-Keith:Beane)
20 in which he both acknowledged the account number is the same as the social

1 security number while at the same time pushing the lie that Randall-Keith:Beane
2 entered his social security account number "with one digit altered." (Att. #62.2)
3 The email below shows USAA Bank executive management involvement.

4 **From:** Brown, True [mailto:True.Brown@usaa.com]
5 **Sent:** Wednesday, July 12, 2017 9:10 AM
6 **To:** Still, Parker H. (KX) (FBI) <phstill@fbi.gov>
7 **Subject:** Information request on arrest and RV

8 Parker

9 Now that the smoke has cleared a little; are you in a position to advise: 1. what charges Randall
10 Beane was arrested/detained on

11 2. Do you have any info on the RV such as the VIN (trying to get a pic for
12 my management) - if I have VIN I can go to dealer website

13 3. Do you anticipate charging Beane on complaint

14 Again, thank you again for jumping on this matter. **The quick actions taken has really impressed**
15 **USAA Executive Management team**. Makes me proud of the organization.

16 Let me know what additional information you need and we will pull it.

17 True
18

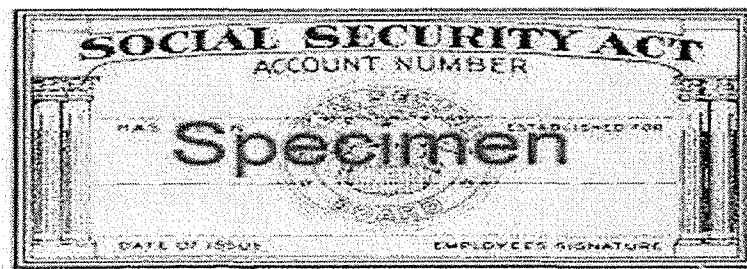
19 (Att. #63)

20 Lying to falsely imprison an innocent man is impressive to USAA Bank
21 executive management team? USAA did not file a sworn complaint or affidavit
22 against Randall-Keith:Beane. Why would they want Randall-Keith:Beane
23 arrested? The only thing to happen as of the July 12th email was Randall-
24 Keith:Beane was arrested the day before, July 11, 2017. Why is USAA executive
25 management team impressed by that? They seemed anxious to have their

1 member imprisoned and out of the way. Why? Does it have anything to do with
2 the \$31,000,494.97 taken from Mr. Beane's USAA account? We think so.

3 USAA executive team knows they lied about Randall-Keith:Beane using his
4 social security account number altered by one digit. Perpetrator and conspirator
5 True Brown and USAA Bank executive team know the lie they pushed was for the
6 purpose of creating a crime where there was none. USAA Bank also knows they
7 used the court system and legal process (forfeiture), with the help of their
8 coconspirators, to steal private property (The Randall-Keith:Beane Factualized
9 Trust Motorhome) based on their lie that the social security account number was
10 altered by one digit – knowing they had no legal or lawful claim to said property.

11 The perpetrators and conspirators painted the picture for the grand jury and
12 trial jury that the social security number was something different than the account
13 number. There is little doubt the perpetrators and conspirators knew that to access
14 one's treasury direct depository account you must use your name, Federal Reserve
15 routing number, and your social security account number. The words "account
16 number" have been removed from the newer cards but here's what the original
17 social security account number card looked like:



1 It said “account number” on it because that is what it is – an account. For
2 the purpose of accessing one’s treasury direct depository account the social
3 security account number IS the account number. The perpetrators’ lie that Mr.
4 Beane’s social security account number just happened (by coincidence) to be one
5 digit off from the account number needed to access his treasury direct depository
6 account is beyond ridiculous and dishonest.

7 We understand the True Brown email exculpatory evidence was delivered to
8 Heather-Ann:Tucci:Jarraf **after the trial was over**. It was never delivered to
9 Randall-Keith:Beane. So much for Brady v. Maryland which states material
10 information favorable to the defense in the possession of the prosecution, material
11 to the defendant’s case, must be disclosed to the defense. The fact that the email
12 reveals USAA Bank put in writing the lie about Mr. Beane altering his social
13 security account number by one digit was a material fact.

14 And there’s also the Rules of Professional Conduct, Tennessee Rule 3.8 (d)
15 – Special Responsibilities of a Prosecutor – which says: “shall make timely
16 disclosure to the defense of all evidence or information known to the prosecutor
17 that tends to negate the guilt of the accused.

18 Clearly perpetrators and conspirators Cynthia F. Davidson and Anne-Marie
19 Svolto violated Rule 3.8(d). They did not act as ministers of justice. They acted
20 like coconspirators involved in a sinister plot to illegally and unlawfully kidnap

1 and imprison Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf. This was not a
2 case about justice or the rule of law. There were no rules or law. There was a goal
3 – make false statements and representations to the grand jury and trial jury of
4 material facts to secure an indictment, conviction and imprisonment.

5 The perpetrators and coconspirators made up the crime and they made up the
6 arrest warrants. They made false allegations against Randall-Keth:Beane and
7 Heather-Anne:Tucci:Jarraf. They used the legal system as a weapon to destroy
8 Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf.

9 Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie
10 Svolto did not use the word felony other than on their criminal case cover sheet.

11 .
12 **CRIMINAL CASE COVER SHEET** **U.S. ATTORNEY'S OFFICE**

13 Defendant Name: RANDALL KEITH BEANE

14 Place of Offense (City & County): Knoxville & Knox

Juvenile: Yes ___ No X Matter to be Sealed: Yes ___ No X

15 Interpreter: No X Yes ___ Language: _____

Total # of Counts: ___ Petty ___ Misdemeanor (Class ___) 7 Felony

	ORIGINAL INDICTMENT U.S.C. Citation(s) and Description of Offense Charged	Count(s)
Set 1	18 U.S.C. § 1343 – Wire Fraud	1 – 5
Set 2	18 U.S.C. § 1344 – Bank Fraud	6
Set 3	18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering	7

CRIMINAL CASE COVER SHEET **U.S. ATTORNEY'S OFFICE**

Defendant Name: HEAHTER ANN TUCCI-JARRAF

Place of Offense (City & County): Knoxville & Knox

Juvenile: Yes ☐ No ☒ Matter to be Sealed: Yes ☐ No ☒

Interpreter: No ☒ Yes ☐ Language:

Total # of Counts: Petty ☐ Misdemeanor (Class) 1 Felony

ORIGINAL INDICTMENT		Count(s)
U.S.C. Citation(s) and Description of Offense Charged		
Set 1	18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering	7

Look real good because this is the only time you'll see the word felony. The word felony and felonious is not used in the indictment. (Att. #37, #71.1 to #71.8) Felony and felonious is not used in the arrest warrants. (Att. #3 and #4) Reference to felony and felonious conduct is not in the grand jury transcript. Felony and felonious is not in the trial transcripts. US Attorney perpetrators and conspirators say they charged Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf with committing felonies and yet felonious conduct is not referred to in the indictment or warrants. It's not mentioned because there was no felonious conduct. There was no injured party. For a crime to exist there must be an injured party. Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf did not commit a crime. The US Attorney perpetrators knew a felony was not committed by Randall-Keth:Beane or Heather-Ann:Tucci:Jarraf and that's why they did not use the word.

DEFINITION

1 “FELONIOUSLY, pleadings. This is a technical word which **must be**
2 **introduced into every indictment for a felony, charging the offence to have**
3 **been committed feloniously**; no other word, nor any circumlocution, will supply
4 its place. (BOUVIER -- A Law Dictionary Adapted to the Constitution and Laws
5 of The United States of America Union by John Bouvier, Revised Sixth Edition,
6 1856, Pg. 764) (Att. #37)

7
8 US Attorney perpetrators and coconspirators Nancy Stallard Harr, Cynthia
9 F. Davidson, and Anne-Marie Svolto used the word “offense” in the indictment
10 (Indictment P. 6, ¶ 19, P. 7, ¶ 21 & ¶ 22) because there was no felonious conduct.

11 Without felonious conduct an offense is a non-indictable TORT! (“offense or
12 fault” has the same meaning as “tort.” – Black’s Law Dictionary - Att. #9.3,
13 Bouvier’s Law Dictionary – Att. #69, #70) What is a tort?

14 **The Essential Law Dictionary, First Edition 2008, P. 500**

15
16 **TORT** - A private injury or wrong; a violation of a socially recognized
17 duty owed to a plaintiff that results in injury to the plaintiff; torts can be caused
18 intentionally, through negligence, or under strict liability.

19 **Black’s Law Dictionary, 4th Edition, P. 1660**

20
21 **TORT** - A private or civil wrong or injury. A wrong independent of
22 contract. A violation of a duty imposed by general law or otherwise upon all
23 persons occupying the relation to each other which is involved in a given
24 transaction. There must always be a violation of some duty owing to plaintiff, and
25 generally such duty must arise by operation of law and not by mere agreement of
26 the parties. Diver v. Miller, Del.Super., 148 A. 291, 293.

27
28 Three elements of every tort action are: Existence of legal duty from defendant to
29 plaintiff, breach of duty, and damage as proximate result. City of Mobile v.
30 McClure, 221 Ala. 51, 127 So. 832, 835.

31
32 A legal wrong committed upon the person or property independent of contract. It
33 may be either (1) a direct invasion of some legal right of the individual; (2) the in-
34 fraction of some public duty by which special damage accrues to the individual; (3)

1 the violation of some private obligation by which like damage accrues to the
2 individual. In the former case, no special damage is necessary to entitle
3 the party to recover. In the two latter cases, such damage is necessary. A violation
4 of a right in rem which plaintiff has as against all persons with whom he comes in
5 contact or the violation of a right which is created by law and not by any act of
6 parties. Mitchell v. Health Culture Co., 349 Mo. 475, 162 S.W.2d 233, 237.

7
8 It didn't go unnoticed that in the grand jury hearing perpetrator and
9 conspirator Cynthia F. Davidson presented five (5) counts to the grand jury for
10 review and consideration. The five counts included bank wire, bank fraud, and
11 money laundering. And yet the jury foreperson signed an indictment that same day
12 with seven (7) counts. Perhaps the two discussed padding the indictment with two
13 additional counts at the water cooler? Or did the grand jury foreperson just sign
14 the indictment without reading it? The fact is five counts were presented to the
15 grand jury -- not seven. There was "evidence" and "witness" testimony for five
16 counts. There was no "evidence" or "witness" testimony presented for the two
17 additional counts. If a prosecutor can just add counts without presenting evidence
18 or testimony then what is the grand jury for? A prosecutor's rubber stamp?

19 Perpetrator and coconspirator Parker Still testified the following to the grand
20 jury:

21 **Parker Still Grand Jury Testimony, P. 45-46, Line 25; 1-6**

22 Q (By Ms. Davidson) And let's, you know, be clear. Not only have
23 you reviewed these records, but, you know, the USAA fraud investigator has
24 reviewed these extensively and relayed all the information that you've previously
25 testified about?

1 A Right. I rely on it --

2 “I rely on it” means he did no independent investigation. Why no
3 investigation? Lazy? Or was it because Randall-Keith:Beane and Heather-
4 Ann:Tucci:Jarraf were targeted? It was not a rule of law prosecution so an
5 investigation was not necessary. It wasn’t even an investigation in search of a
6 crime. They fabricated the crime. They had a target and a goal of imprisonment.
7 You don’t need to investigate when you’ve manufactured the crime.

8 Perpetrator and conspirator Cynthia F. Davidson essentially admits to no
9 investigation to the grand jury:

10 **MS. DAVIDSON:** “...it takes us usually months to investigate these
11 things.” (Grand Jury Transcript, P. 59, Line 22-23)

12 It didn’t take months to investigate this case because they were not searching
13 for truth and facts. It was a manufactured fraud and money laundering case.

14 It’s clear nobody is reviewing what FBI agents, US Attorney prosecutors,
15 district court judges, and appellate judges are up to. Had there been a pre-trial case
16 file audit the disposed of South Carolina arrest warrant and fraudulent Tennessee
17 district court arrest warrants would have been caught. Had there been a post-
18 conviction case file audit the conspiracy and crimes committed by what appears to
19 be a crime syndicate would have been caught.

20 The appellate court – well – that was just corruption. In their opinion they
21 talked about perpetrator and conspirator Parker Still’s false allegation Heather-

1 Ann:Tucci:Jarraf was “planning military operations” to break Randall-Keith:Beane
2 out of jail. Perpetrator and conspirator Parker Still did not offer even a scintilla of
3 evidence that Mrs. Tucci:Jarraf actually said that she planned military operations to
4 break Randall-Keith:Beane out of jail. Perpetrator and conspirator Parker Still just
5 made it up and his coconspirators went with it. They didn’t need evidence. This
6 was not a rule of law prosecution.

7 The appellate court talked about when Randall-Keith:Beane went to bed and
8 when he woke. And they quoted Randall-Keith:Beane and Heather-

9 Ann:Tucci:Jarraf as saying, “I am source of all that is.” So we know the three
10 judges read the file. But a panel of three judges couldn’t bother to review the
11 following facts:

- 12 • The perpetrators and coconspirators used a disposed of statewide (not
13 national or international) South Carolina misdemeanor traffic related bench
14 warrant to attack and arrest Randall-Keith:Beane on July 11, 2017. (Att. #1.2
15 and #2.1)
- 16 • The Tennessee Eastern District Court created fraudulent arrest warrants.
17 (Att. #3, #4, and #10)
- 18 • The FBI lacked jurisdiction in Mr. Beane’s private business transaction.
19 (Att. #15, #16.1, #16.2)
- 20 • Plaintiff United States of America lacked standing. (Att. #25)

- 1 • Plaintiff United States of America is a Delaware corporation. (Att. #67,
2 #68)
- 3 • They did not have a probable cause hearing.
- 4 • Randall-Keith:Beane was forced under threat to waive the detention hearing
5 in violation of due process.
- 6 • The district court lacked subject-matter and personal jurisdiction. (Att. #6,
7 #5, #7, #8, #9.2)
- 8 • The district court was not in compliance with Article III – judicial power.
9 (Att. #27)
- 10 • The district court was not in compliance with court of record requirements -
11 28 U.S. Code § 132. (Att. #8, #9.2)

12 Three appeals court judges and not one of them noticed any of the above-
13 mentioned problems with this case?

14 The Sixth Circuit in one breath said “...whether lawyers or not, have a right
15 to represent themselves” (United States Court of Appeals for the Sixth Circuit
16 Opinion, P. 5, paragraph 4), and in the next breath denied that right. They
17 appointed two traitor attorneys who bashed their own “clients”. They severely
18 criticized Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf when they should
19 have built a strong appeal to have them released. But that’s not what they were

1 hired to do, was it? They had a role to play in the conspiracy and they played it
2 well. All of it part of the plot and conspiracy.

3 The perpetrators and conspirators abruptly snatched Randall-Keith:Beane
4 and Heather-Ann:Tucci:Jarraf out of their lives. They stole the last 3+ years of
5 Randall-Keith:Beane and Heather-Ann:Tucci: Jarraf's life and they must be
6 prosecuted and punished to the fullest extent of the law for their participation in the
7 crimes committed against Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. It
8 was all done knowingly, intentionally, and deliberately with reckless disregard for
9 the law and Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf's rights. Young
10 children were separated from their mother, and a man separated from his wife,
11 without justification.

12 We are asking that you investigate the crimes we allege have been
13 committed and each of the perpetrators/conspirators' role in the conspiracy and
14 false imprisonment of Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

15 Randall-Keith Beane and Heather-Ann:Tucci:Jarraf have not experienced
16 freedom and liberty since July 2017 all based on a fabricated fraud and money
17 laundering offense.

18 **V) The Conspiracy Plot**

19 It was a case in which the FBI and DOJ invented a crime they could charge
20 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to cover up the theft of

1 \$31,000,494.97 from Mr. Beane's USAA bank account. They set about to change
2 the meaning of words like "money laundering," "affect interstate commerce," and
3 "fraud" to mislead a grand jury and trial jury into indicting and convicting Randall-
4 Keith:Beane and Heather-Ann:Tucci:Jarraf based upon their made-up definition of
5 these key words. They had others join in the conspiracy like judges, clerk, etc.

6 The perpetrators and conspirators did not run or participate in a court of law
7 or justice. It was not an Article III court. It was not a court of record. It was a
8 kangaroo trafficking court designed to steal the freedom and liberty of Randall-
9 Keith:Beane and Heather-Ann:Tucci:Jarraf to silence them.

10 When the perpetrators and conspirators viciously inserted themselves into
11 Mr. Beane's private business transaction it was clearly a moonlighting job at the
12 behest of someone other than the leadership at the FBI and DOJ, right? They
13 certainly were not working in the interest of the American people. Who hired them
14 to attack Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf? We don't know but
15 we suspect they were working for either the New York Federal Reserve Bank,
16 USAA Bank, or both.

17 The perpetrators and conspirators set about on a devious, evil, sinister,
18 vindictive plot and scheme to knowingly, intentionally, and deliberately create a
19 fake felony case, complete with fraudulent arrest warrants, so that they could
20 kidnap, human traffic, and falsely imprison Randall-Keith:Beane, and Heather-

1 Ann:Tucci:Jarraf with the power and authority of the state. The perpetrators and
2 conspirators showed contempt for the court and total and complete disregard for
3 the legal process. They engaged in fraud, abuse, and corruption perpetrated under
4 the guise of justice.

5 The visible part of the plot and conspiracy kicked into gear on July 11, 2017
6 when the FBI decided to arrest Mr. Beane, without jurisdiction, using a South
7 Carolina statewide misdemeanor traffic related bench warrant that was disposed of
8 two years earlier, July 17, 2015, as the predicate for the arrest. (Att. #1.2 and #2.1)

9 **VI) Disposed of South Carolina Statewide Misdemeanor Traffic Related**
10 **Bench Warrant Used As Predicate for July 11, 2017 Arrest and**
11 **Aggravated Assault of Mr. Beane** (Attachment #1.2, #2.1, #12, #13)

12 Mr. Beane was exercising his right to travel in the ordinary course of his life
13 and business. On or about October 13, 2014 Randall-Keth:Beane was travelling
14 when Ridgeland South Carolina police officer, Jason Stone, pulled him over.
15 Perpetrator Jason Stone stopped Mr. Beane because he did not have South Carolina
16 state tags. He had American National tags.

17 Constitutional Amendment XIII says – “...nor involuntary servitude...”

18 The US Corporation worded it this way so that they could then get Americans to
19 volunteer servitude through the driver’s license trickery and deceit. However, Mr.
20 Beane did not submit to voluntary servitude. The fundamental right to locomotion
21 or to travel is NOT a privilege, it is a gift granted by the Maker, and restated by the

1 founding fathers as unalienable. (Att. #58.2) It cannot be taken by any
2 man/government made color of law (codes and statutes).

3 "Personal liberty largely consists of the Right of locomotion -- to go where
4 and when one pleases -- only so far restrained as the Rights of others may make it
5 necessary for the welfare of all other citizens. The Right of the Citizen to travel
6 upon the public highways and to transport his property thereon, by horse drawn
7 carriage, wagon, or automobile, is not a mere privilege which may be permitted or
8 prohibited at will, but the common Right which he has under his Right to life,
9 liberty, and the pursuit of happiness. Under this Constitutional guarantee one may,
10 therefore, under normal conditions, travel at his inclination along the public
11 highways or in public places, and while conducting himself in an orderly and
12 decent manner, neither interfering with nor disturbing another's Rights, he will be
13 protected, not only in his person, but in his safe conduct." II Am.Jur. (1st)
14 Constitutional Law, Sect.329, p.1135.

15 "Personal liberty -- consists of the power of locomotion, of changing
16 situations, of removing one's person to whatever place one's inclination may direct,
17 without imprisonment or restraint unless by due process of law." 1 Blackstone's
18 Commentary 134; Hare, Constitution___.777; Bouvier's Law Dictionary, 1914 ed.,
19 Black's Law Dictionary, 5th ed.

20 Privately owned cars, vans, trucks, and buses not engaged in commerce or

1 for hire transportation are outside the jurisdiction of motor vehicle enforcement.
2 Perpetrator Jason Stone could have written a ticket based on South Carolina color
3 of law code and Mr. Beane could have gone through the normal process to
4 challenge it. An honest cop would have done just that. Instead, perpetrator Jason
5 Stone decided to use his position of trust to teach Mr. Beane a lesson. He called
6 approximately 10 of his comrades and they decided to turn an unlawful traffic stop
7 into aggravated assault, an unlawful arrest, and false imprisonment.

8 Once the gang was all there they beat up Mr. Beane. They tased Mr. Beane.
9 They tried to get Mr. Beane to say he is a "sovereign citizen." Why? What is a
10 sovereign citizen?

11 1) It is an oxymoron used mostly by dishonest judges, law enforcement, and
12 attorneys-at-law (BAR attorneys) to attack Americans as terrorists.

13 **Definition of oxymoron** - a combination of contradictory or incongruous words
14 (such as *cruel kindness*) ([https://www.merriam-](https://www.merriam-webster.com/dictionary/oxymoron)
15 [webster.com/dictionary/oxymoron](https://www.merriam-webster.com/dictionary/oxymoron))

16 2) **Sovereign citizen** is a term used to refer to a political movement which
17 grew out of a belief in government abuses of power. Members often refuse to hold
18 social security cards or driver's licenses and avoid using zip codes. Sovereign
19 citizens believe that U.S. citizens are either "Fourteenth Amendment citizens"
20 (who are subject to the federal and state laws and taxes) or "sovereign citizens",

1 who are subject only to common law or "constitutional law" (or both), but are not
2 bound to obey statutory law. No court has ever upheld these claims. Sovereign
3 citizens may also be referred to as "freemen" or "common law citizens".
4 (<https://definitions.uslegal.com/s/sovereign-citizen/>)

5 What is objectionable or offensive in the uslegal.com definition of sovereign
6 citizen? There is nothing illegal, unlawful, or a show of disloyalty to the country
7 in the uslegal.com definition of "sovereign citizen." Americans have a Patriotic
8 Duty to speak up if they believe the government has run afoul of the law.

9 Perpetrators and coconspirators know that Mr. Beane and Mrs. Tucci-Jarraf
10 have never referred to themselves as sovereign citizens. They understand it is an
11 oxymoron.

12 When some Americans refer to themselves as a sovereign citizen they are
13 referring to the rights of the people. Their thinking is based on the Tennessee
14 Constitution, Declaration of Rights, Article 1 - **Section 1** (Att. #73.1) which says
15 "That all power is inherent in the people, and all free governments are founded on
16 their authority, and instituted for their peace, safety, and happiness;" or Section 2
17 of the Virginia Declaration of Rights which says "**That all power is vested in, and**
18 **consequently derived from, the people; that magistrates are their trustees and**
19 **servants and at all times amenable to them.**" They are saying that those in
20 positions of emolument, in their capacity, are "agents" or "servants" of the people.

1 They have authority given by the people and are the ones subject to the codes and
2 statutes. In performing duties and functions they are to conform to fundamental
3 law, rights, and common law concepts such as due process and the other things
4 prescribed in the Constitution.

5 The Constitution was ordained and established by the people for the
6 government. It is a contract between the people and the government, The
7 government was created by the people. The people are over the government—not
8 the other way around. God is over man. Man is over government. The people's
9 sovereignty comes from the Creator. This is what Americans who call themselves
10 "sovereign citizens" mean and the deceitful and dishonest perpetrators and
11 conspirators know it.

12 Traitors within the people's government have bastardized the word
13 sovereign for the purpose of attacking the American people. In their despicable,
14 treasonous, traitor stupidity they coined the term "sovereign citizen," spread it to
15 the trusting people and then turned on the people by defining "sovereign citizen" as
16 a terrorist. They continue to use the oxymoron to disparage and attack those they
17 target. The "sovereign citizen" attack was used in the South Carolina traffic case
18 by the corrupt officers that unlawfully detained Mr. Beane, and in United States of
19 America v. Randall Keith Beane and Heather Ann Tucci Jarraf by the corrupt US
20 Attorneys and magistrate judge.

1 Freedom to travel is, indeed, an important aspect of an American's liberty.
2 The right to travel is a part of the "liberty" of which Americans cannot be deprived
3 without due process of law. Among the corrupt and unpatriotic there is a belief the
4 American people have no rights and this is why they deprive rights in violation of
5 18 U.S. Code § 241 – conspiracy against rights and 18 U.S. Code § 242 -
6 deprivation of rights under color of law (Att. #38 and #39).

7 Perpetrator Jason Stone did not have a warrant to arrest Randall-
8 Keith:Beane. The Supreme Court of Wisconsin said that "it is a serious thing to
9 arrest a citizen, and it is a more serious thing to search his person" and it must be
10 done "in conformity to the laws of the land." Regarding the law on arrests it held:
11 At common law arrests for misdemeanors were not permissible without a warrant
12 except for acts committed in the presence of the officer **causing** a breach of the
13 peace. (Allen v. State, 183 Wis. 323, 197 N.W. 808, 810, 811 (1924)) There was
14 no breach of the peace. Perpetrator Jason Stone had no lawful authority to stop,
15 detain and arrest Randall-Keth:Beane without a warrant for what he called a
16 misdemeanor. Mr. Beane was travelling minding his own business. What is the
17 law of the land? The Constitution.

18 **US Constitution -- Article VI**

19 "The Senators and Representatives before mentioned, and the Members of the
20 several State Legislatures, and **all executive and judicial Officers**, both of the

1 United States and of the several States, shall be bound by Oath or Affirmation, to
2 support this Constitution...”

3 **US Constitution – Amendment X**

4 “The powers not delegated to the United States by the Constitution and prohibited
5 by it to the States, are reserved to the States respectively, or to the people.”

6
7 All of the rights of the People are not enumerated in the Constitution
8 because there is no limit to the God given rights of the people.

9 **US Constitution – 14th Amendment – Section 3**

10 “No person shall be a Senator or Representative in Congress, or elector of
11 President and Vice President, or hold any office, civil or military, under the
12 United States, or under any State, who, having previously taken an oath, as a
13 member of Congress, or as an officer of the United States, or as a member of any
14 State legislature, or as an executive or judicial officer of any State, to support the
15 Constitution of the United States, shall have engaged in insurrection or
16 rebellion against the same, or given aid or comfort to the enemies thereof.”

17
18 In his fake South Carolina affidavit Officer Stone alleged “Randall Keith
19 Beane did knowingly and willfully oppose **and/or** resist the lawful arrest by a law
20 enforcement officer,” **OR** “the defendant did knowingly and willfully assault, beat
21 **AND/OR** wound a law enforcement officer while resisting arrest.” “Defendant
22 was stopped by Ridgeland Police for a traffic violation.” (Att. #1.1) You’ll notice

1 Officer Stone did not swear under penalty of perjury in his affidavit thereby
2 rendering it meaningless and worthless.

3 The arrest was not lawful because perpetrator Stone did not have a lawful
4 valid arrest warrant when he interrupted Mr. Beane's travel. Perpetrator Jason
5 Stone couldn't seem to decide what exactly occurred. He accused Randall-
6 Keith:Beane of doing one thing OR something else. The affidavit is written that
7 way because it is not truthful. It is a means of trying to get around perjury. It
8 looks like perpetrator Stone is accusing Randall-Keth:Beane of something but he's
9 really not accusing him of anything at all. Maybe he did this—OR maybe he did
10 that—all means he did nothing at all. The affidavit is likely boilerplate language
11 not intended to describe an actual incident, but rather used in their human
12 trafficking courts to railroad Americans.

13 What officer Stone doesn't say in his boilerplate fake affidavit is many of his
14 comrades were at the scene with him. They threatened to break the glass window
15 to Randall-Keth:Beane's truck. They roughed-up and tased Randall-Keth:Beane.
16 There were approximately 13 police officers dispatched armed with tasers, guns,
17 batons, and handcuffs – and one unarmed middle-age 160 lb. man who was
18 traveling and minding his own business before they encroached upon his liberty –
19 committed aggravated assault and illegally detained and jailed him. Perpetrator

1 Stone and his comrades clearly felt like flexing their muscles that day and
2 unfortunately Randall-Keith:Beane landed in their crosshairs.

3 In his fake affidavit you'll notice Officer Stone does not explain what the
4 traffic violation was. He doesn't reveal they tased Randall-Keith:Beane and feared
5 they had given him a heart attack.

6 Randall-Keith:Beane was not served with the South Carolina traffic-related
7 bench warrant. He says he had no knowledge of the case so how could he show up
8 in court to dispute perpetrator Stone's false story? The truth of the matter is the
9 majority of individuals arrested were unaware of a warrant because they are
10 intentionally not properly notified as a law enforcement technique to catch you off
11 guard. They're not interested in allowing you to prepare to present yourself
12 against whatever lies the crooked ones may tell. In addition, the bench warrant
13 says "**THE STATE** VS. Randal Keith Beane." (Att. #1.2) What state? If it were
14 a lawful bench warrant it would have the exact name of the state in all places on
15 the warrant.

16 The Solicitor (Disposition Judge) likely understood Officer Stone's
17 allegation was hogwash so he disposed of the case July 17, 2015. (Att. #2.1) The
18 disposition status is "failure to appear" but there's no proof Mr. Beane was
19 lawfully served a summons to appear.

1 The Tennessee perpetrators and conspirators decided to use the disposed of
2 South Carolina statewide misdemeanor traffic related bench warrant to jump start
3 the Tennessee conspiracy and arrest Randall-Keith:Beane.

4 Here's what coconspirators Parker Still and Jaron Patterson said:

5 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
6 **Still – Trial Transcript, Volume I, Pg. 66, Line 15; 18-20; 24-25)**

7 A I think it (warrant) was out of South Carolina.”

8 Q But on July 11th, you had never seen it, you just had information that your
9 office had information that an outstanding warrant existed.

10 A So me personally, **I did not – I was relying on information that was**
11 **provided to me.**”

12 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
13 **Still – Trial Transcript, Volume I, Pg. 68, line 19-23**

14 Q Did you personally confirm the existence of an outstanding state warrant that
15 you now know to be from South Carolina?

16 A No, ma'am. I did not. I have seen it, though, since that date. I have seen a
17 copy of that warrant, yes, ma'am.

18 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
19 **Still – Trial Transcript, Volume I, Pg. 69, line 8-17**

20 Q Okay. On July 11th, prior to or at any moment, did you ever present a
21 warrant to Mr. Beane or the other unidentified male and unidentified female that
22 you found in that vehicle? Did you ever present an actual paper warrant or
23 electronic warrant to any of those three?

24 A **No, ma'am.** And I – I don't – I mean, that's – I think **that's** some of **TV**
25 **stuff** where we serve people, put a warrant in their hands. You know, that's – I
26 don't – that's just not general practice where you would, you know, serve someone
27 – hand someone a warrant, generally,”

1 **Cynthia Davidson Redirect Examination of FBI Special Agent Parker Still –**
2 **Trial Transcript, Volume I, Pg. 81, line 1-7**

3 Q So – and was there an arrest warrant by the State of South Carolina for Mr.
4 Beane?

5 A Yes, ma'am. I mean, at the scene – that's what I was saying. Knox County,
6 it's my understanding, when they took him – he did not go into federal custody at
7 the time. He went into state custody, that Knox County does those verifications is
8 my understanding."

9 **Heather-Ann:Tucci:Jarraf Cross-Examination of Jaron Patterson [Univ. of**
10 **Tennessee Police Dept. and FBI Cyber Task Force Investigator] – Trial**
11 **Transcript, Volume II Pg. 140-142, line 21-25; 1-3; 8-12**

12 Q Is there any reason why you guys didn't pull a copy of that alleged active
13 outstanding warrant?

14 A That's not very common to take a copy.

15 Q So it's not common to take a copy or to have a warrant to show someone
16 that you are arresting?

17 A The original copy would have been with the issuing agency, so it was an out-
18 of-state warrant. The original copy would have been in another state."

19 Q **So you're not sure if it was ever -- truly existed?**

20 A **No.**

21 Q Other than relying on the statement of a fellow FBI agent?

22 A Correct.

23 Perpetrator and conspirator Jaron Patterson knew the warrant did not exist
24 just like all the other perpetrators and conspirators. They all knew. It's public
25 record. (Att. #2.1) On the left side of the public index it says disposition date
26 07/17/2015.

<https://www.sccourts.org/caseSearch/>

Jasper County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Switch View					
The State of South Carolina VS Randal Keith Beane					
Case Number:	2014A2720200234	Court Agency:	General Sessions	Filed Date:	10/14/2014
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Failure to Appear	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Failure to Appear				
Disposition Date:	07/17/2015	Date Received:	10/14/2014	Arrest Date:	10/13/2014
Law Enf. Case:	14-907	True Bill Date:	11/20/2014	No Bill Date:	
Prosecutor Case:		Indictment Number:	2014GS2700554	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Summary						
Fine/Costs:	\$130.00	Total Paid for fine/costs:	\$0.00	Balance Due:	\$130.00	

DEFINITION:

disposition. N. (2) The settlement of a matter; **a judge's final ruling.** (The Essential Law Dictionary, First Edition, 2008, P. 143)

dispose of. V. (2) To settle a matter finally. (The Essential Law Dictionary, First Edition, 2008, P. 143)

dispose of. To exercise finally, in any manner, one's power of control over; or get rid of; to finish with; (Black's Law Dictionary, 4th Edition, P. 557)

There is absolutely no doubt perpetrators and conspirators Cynthia Davidson and Parker Still knew there was no active South Carolina warrant (or any other warrant) for Mr. Beane. It was their job to know. They all knew they were lying to and misleading the grand jury and trial jury. They knew there was no active

1 outstanding South Carolina bench warrant. They knew the bench warrant they
2 referenced had been disposed of two years earlier. They also knew it was
3 STATEWIDE. It gave absolutely no jurisdiction to Tennessee or any other state.

4 Here are some of the lies regarding the South Carolina warrant from the
5 Grand Jury Transcript and Trial Transcript:

6 **Grand Jury Transcript, P. 21, Line 1-5: (Cynthia Davidson Direct**
7 **Examination of Parker Still)** (Att. #29.3)

8
9 Q And Since Mr. Beane was arrested by the FBI; is that correct?

10
11 A He was arrested. Just to clarify, he was arrested by us on – he had an
12 outstanding warrant on a state charge.

13
14 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
15 **Still – Trial Transcript, Volume I, Pg. 66-67, line 18-25; 1-17**

16 Q But on July 11th, you had never seen it, you just had information that your
17 office had information that an outstanding warrant existed. Did you confirm at
18 least with a database, NCIC or anything else that there was actually an outstanding
19 state warrant?

20
21 A So me personally, I did not -- I was relying on information that was provided
22 to me. You know, it's -- we work as a team. I mean, it's -- you know, there's
23 moving parts. I'm doing the affidavit. Somebody else would be looking to see
24 about the warrant, you know, providing that information to us. I mean, it is a team
25 effort. Not one person can sit here and do all the different jobs. So I'm not the
26 person who made any confirmation of that warrant. But I would say this too. It's
27 my understanding that at the scene also, the warrant was also confirmed by
28 **Knox – I believe it was the Knox County Sheriff's Department.**

29
30 Q I'm just asking, because in the plethora of discovery that was provided to us,
31 **not once was there any report by you, a 302,** or by any other member supposedly
32 working on this case regarding -- excuse me, **with an actual copy of the South**

1 **Carolina** -- the alleged South Carolina outstanding warrant, **no NCIC**, no actual
2 NCIC from that date or anything else showing there was an outstanding South
3 Carolina warrant. You stated you had not even confirmed --
4

5 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
6 **Still – Trial Transcript, Volume I, Pg. 68, line 17-25**

7 Q Okay. Because it is important to know that you have the tools you need to do
8 your job. Okay. **Did you personally confirm the existence of an outstanding**
9 **state warrant that you now know to be from South Carolina?**
10

11 A No, ma'am. I did not. **I have seen it, though, since that date. I have seen**
12 **a copy of that warrant, yes, ma'am. And it was exactly right.** I mean, he was --
13 Knox County confirmed it at the scene. It's my understanding he was taken to jail.
14

15 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
16 **Still – Trial Transcript, Volume I, Pg. 69, line 2-7**

17 Q Did you ever provide a copy of that alleged South Carolina outstanding
18 warrant to Ms. Davidson or anyone on the -- at the DOJ?
19

20 A You know, I would have to look back on it. What we normally do is we turn
21 our file -- our discovery file over to the prosecutors.
22

23 **Cynthia Davidson Redirect Examination of FBI Special Agent Parker Still –**
24 **Trial Transcript, Volume I, Pg. 82, line 2-9**

25 Q Is that your understanding? And Ms. Tucci:Jarraf asked you about NCIC
26 reports. It's not the practice of the FBI to give codefendants each other's NCI
27 reports. Is it?
28

29 A I could not imagine why we would give NCI reports because of the personal
30 identifiers on those reports.
31

32 Q So Ms. Tucci:Jarraf doesn't have Mr. Beane's NCIC doesn't mean that
33 there's not a warrant on his NCIC, does it?
34

35 A Right. No, ma'am. That would not mean that.
36

1 Perpetrator and coconspirator Cynthia Davidson demonstrates her skill in
2 concealing material information from the jury. Mrs. Tucci:Jarraf stated she did not
3 receive “an actual copy of the South Carolina -- the alleged South Carolina
4 outstanding warrant, no NCIC, not actual NCIC from that date or anything else
5 showing there was an outstanding South Carolina warrant.” (Trial Transcript,
6 Volume I, Pg. 67, Line 13-16) Mrs. Tucci:Jarraf did not ask for Mr. Beane’s
7 NCIC report—she asked for proof of an active/outstanding South Carolina warrant.
8 The perpetrators and conspirators didn’t give it to Mrs. Tucci:Jarraf because it
9 didn’t exist. They made it up to mislead the grand jury to secure an indictment and
10 to mislead the trial jury to secure a conviction.

11 The perpetrators and coconspirators lied to the grand jury and the trial jury.
12 They all knew the South Carolina Solicitor/Disposition Judge disposed of the
13 South Carolina statewide misdemeanor traffic case July 17, 2015. (Att. #2.1)
14 They all knew there was no active warrant. The perpetrators knowingly and
15 intentionally concealed the NCIC information because they knew there was no
16 South Carolina or other active warrant for Mr. Beane.

17 They used their FBI and Knoxville Sheriff badge and government issued
18 weapon to:

- 19 • Trespass on private property, physically drag Mr. Beane out of the
20 private property, and commit aggravated assault by elbowing Mr.

1 Beane in the head until he bled, twisted his arm, gave him a black eye,
2 bruised his body, and strangled him until he cried out “**I can’t**
3 **breathe.**”

- 4 • Publicly humiliate Mr. Beane by pulling down his shorts and making
5 him stand for 45 minutes hand cuffed in the summer heat with his
6 underwear exposed, for all the world to see.
- 7 • Kidnap Mr. Beane and falsely imprison him;
- 8 • Steal private property. They did not have a seizure warrant.

9 The perpetrators and coconspirators did all this to Mr. Beane based on a
10 LIE—a South Carolina outstanding warrant LIE.

11 Perpetrator and coconspirator Parker Still stated he saw the South Carolina
12 statewide misdemeanor traffic related bench warrant so he without a doubt knew:

13 (1) The misdemeanor traffic related bench warrant was issued April 17,
14 2015, and it was disposed of 7/17/2015, and

15 (2) It was not a national or international warrant – it was a statewide South
16 Carolina warrant. The misdemeanor traffic related bench warrant was addressed to
17 “all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers
18 of the said State Greetings.” (Att. #1.2)

1 Perpetrator and coconspirator Jaron Patterson (Univ. of Tennessee Police
2 Dept. and FBI Cyber Task Force Investigator) stated he didn't know if the South
3 Carolina traffic related bench warrant existed. (Trial Transcript, Volume II, Pg.
4 142, Line 8-9) He knew it didn't exist. It was his job to know.

5 All the perpetrators had a responsibility to examine the South Carolina
6 statewide misdemeanor traffic related bench warrant to make sure they were
7 operating within the law. But this was a conspiracy so there was no concern about
8 operating within the law. The concern was reaching the conspiracy goal –
9 imprisonment! Here's more testimony regarding NCIC and the disposed of South
10 Carolina traffic related bench warrant.

11 **Heather-Ann:Tucci:Jarraf Direct Examination of Parker Still, Trial**
12 **Transcript Volume VII, P. 53-56, Line 25; 1-25; 1-25; 1-13 - NCIC and the**
13 **South Carolina Warrant**
14

15 Q Agent Still, I just had a couple questions for you regarding the NCIC
16 exhibits, and I'll read them off to you and then just ask you a few questions. Okay.
17 To begin with, on Defendants' Exhibit 7 and you had stated that your office had a
18 warrant -- or had information of a warrant in South Carolina. Correct?
19

20 A Yes, ma'am. That's -- that was the information that was provided to me, yes,
21 ma'am.
22

23 Q And that would be on July 10th?
24

25 A I believe it was July 11th, the morning of July 11th, yes, ma'am.
26

27 Q The morning of July 11th. And did you do an NCIC search to be able to
28 confirm that -- or excuse me, are you aware if your office had done an NCIC
29 search to confirm that?
30

1 A The way that it normally would be done, yes, ma'am, would be -- the office
2 would do -- they have the ability there to do an NCIC check, yes, ma'am.

3
4 Q Do you have the ability to do an NCIC check?

5
6 A No, ma'am. The only ability I have would be to contact what we call
7 upstairs, which is kind of our control room or radio room, if you will. And I could
8 say, you know, "Can I get an NCIC check on this individual or that individual," uh-
9 huh, yes, ma'am.

10
11 Q Okay. So those that are upstairs, they're the ones that have the authorization
12 to enter into the NCIC?

13
14 A I don't know about enter into the NCIC, all I know is they're the ones who
15 we call to get a check done, yes, ma'am.

16
17 Q Okay. And then Exhibit 165, please, David. Okay. This is Government's
18 Exhibit 165, Agent Still. And this is the South Carolina -- excuse me, yeah, South
19 Carolina warrant. Correct?

20
21 A Yes, ma'am. That's the South Carolina warrant.

22
23 Q Okay. And can you please tell me approximately when you recall seeing
24 this warrant?

25
26 A I believe this warrant was e-mailed to me on -- by Jasper County on either
27 the 11th or the 12th of July. I believe that's the first time I actually saw the -- this
28 warrant, this actual one you're speaking of, a physical copy.

29
30 Q Okay. A physical copy. And did you send that copy or that fax of that South
31 Carolina warrant over to Knox County sheriffs?

32
33 A No, ma'am. I believe -- I believe the one that I had was an e-mail -- I believe
34 they e-mailed it to me.

35
36 Q They e-mailed it?

37
38 A Yes, ma'am.

1 Q Okay. And to the best of your knowledge, has anyone in the FBI gone in
2 and entered information regarding Mr. Beane in the NCIC?

3
4 A No, ma'am, not to my knowledge. Again, though, I don't know who enters
5 NCIC. I would want to clarify too. If I remember right, from our file, I had two
6 copies, one was this e-mail of the warrant, and then I think they also faxed me a
7 copy later on, maybe in August.

8
9 Q In August?

10
11 A Yes, ma'am.

12
13 Q Okay. So then to the best of your knowledge, approximately July 12th or
14 July 13th was the first time that you had ever seen that South Carolina warrant?

15
16 A It could have been the afternoon of the 11th. There was an e-mail from
17 them, yes, ma'am. An e-mail from them either July 11th to July 12th, to the best of
18 my knowledge.

19
20 Q Okay. Did you provide the Department of Justice, Ms. Davidson, with a
21 copy of that e-mail?

22
23 A I think so, yes, ma'am.

24
25 **VII) (A) Private Property Trespass – (B) Aggravated Assault During**
26 **Arrest Causing Serious Bodily Injury – (C) Public Humiliation – (D)**
27 **Felony Kidnapping**

28
29 **(A) Private Property Trespass**

30
31 Mr. Beane has the Right to hold and own property without trespass.

32 As you read the trial testimony below you will see the perpetrators and

33 conspirators did not have permission or consent to enter the private property

34 motorhome without a warrant. The perpetrators and conspirators entered in

1 violation of Tennessee Criminal trespass code 39-14-405 (a) A person commits
2 criminal trespass if the person enters or remains on property, or any portion of
3 property, without the consent of the owner (Att. #50), and 25 CFR § 11.411 -

4 Criminal trespass (a) A person commits an offense if, knowing that he or she is not
5 licensed or privileged to do so, he or she enters or surreptitiously remains in any
6 building or occupied structure. (Att. #47)

7 Perpetrator and conspirator Anne-Marie Svolto used the disposed of South
8 Carolina statewide misdemeanor traffic related bench warrant as “Government
9 Exhibit 165.” She pointed out the bench warrant issue date – April 17, 2015, but
10 she was strangely mum on the disposition date of 7/17/2015. For some reason
11 perpetrator and coconspirator Ann-Marie Svolto didn’t see fit to let everyone in the
12 courtroom know the secret she knew – the South Carolina statewide traffic related
13 bench warrant was DISPOSED OF TWO (2) YEARS EARLIER and it was a
14 STATEWIDE warrant. There was no active or outstanding warrant to arrest Mr.
15 Beane AND SHE KNEW IT! All the perpetrators and conspirators knew it!

16 In fact, perpetrator and coconspirator Terry Wilshire of the Knoxville
17 County Sheriff Office admitted under oath that they held Randall-Keith:Beane
18 until they could find an arrest warrant somewhere. What they found was a South
19 Carolina statewide misdemeanor traffic related bench warrant that was disposed of
20 two years earlier and that was good enough for them. They used it!

1 **Randall-Keith:Beane Cross Examination of Terry Wilshire Trial Transcript,**
2 **Volume VII, P. 29-30, Line 20-25; 1-18**

3
4 Trial excerpt:

5 Q Mr. Wilshire, were you present during the arrest?

6
7 A No, I was not.

8
9 Q Were you present at any time during the paperwork process to observe
10 whether or not any documents were actually presented to me to sign?

11
12 A I was not present when you came in, no.

13 Q Is it common practice in Knox County to – when someone is arrested
14 without a warrant to hold them until you find a warrant?

15
16 A Till you find a warrant -- rephrase that, please.

17
18 Q Is it common practice in Knox County to hold someone when they're
19 arrested without a warrant till you find a warrant?

20
21 A No. If there's no charge, it wouldn't be common to hold someone with a
22 charge. In this case, **there was an outstanding warrant in another agency that**
23 **was confirmed by NCIC**, that someone was wanted. So an FFJ warrant, or
24 fugitive from justice warrant, had to be done, completed.

25
26 Q Are you aware I was arrested on the 11th?

27
28 A Yes.

29
30 Q So I was held for a day without a warrant?

31
32 A **You were held until they found out who you were and identified you**
33 **and found the warrant that was needed to be done.**

34
35 Why would they arrest Mr. Beane if they didn't know who he was? Terry
36 Wilshire's testimony showed a complete disregard for the rule of law and was a
37 clear indication of his knowing participation in the conspiracy.

1 It is appalling to read perpetrator and coconspirator Anne-Marie Svolto's
2 cross-examination below knowing that she knew at the time that she was
3 misleading the court, the jury, and those in the gallery regarding the South Carolina
4 warrant:

5
6 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
7 **Transcript Volume IV, P. 227, Line 13-19**
8

9 Q Okay. And so FBI comes and you don't want to open the door, do you?

10
11 A I'm on the telephone.

12
13 Q So you can't open the door when you're on the telephone?

14
15 A Not when I'm in the middle of discussing something and I don't understand
16 what's going on outside the door.

17
18 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
19 **Transcript Volume IV, P. 228, Line 16-25**
20

21 Q So you're being told there's a warrant for your arrest. You disagree that
22 there's a warrant?

23
24 A Yes, I do.

25
26 Q You disagree there's a warrant in general or just a warrant out of Colorado?

27
28 A **I disagree there's a warrant in general.**

29
30 Q So you think there was no warrant for your arrest?

31
32 A Yes, ma'am.

33
34 Q I'd like to show you, **the witness and defense only**, (In other words—they
35 don't want anybody else to look because you might notice it's a statewide bench
36 warrant – not a national or international warrant.) What's now been marked as --
37 oh, they're not in the system, but

38
39 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
40 **Transcript Volume IV, P. 229, Line 2-6; 15-20; 24-25**

1 Q This will be **Government Exhibit 165**. Do you see that document?

2
3 A Yes, I see that.

4
5 Q Okay. All right. So you see that there?

6
7 A Yes.

8
9 Q Can you **read the top** of that, please?

10
11 A "State of South Carolina, County of Jasper, Bench Warrant, failure to
12 appear, the State versus Randal Keith Beane."

13
14 Q All right. If we could **scroll down to the bottom** of the page, right under
15 the word "Witness."

16
17 A April 17th, 2015.

18
19 Q So you would agree with me that this is a warrant. Correct?

20
21 **Anne-Marie Svolto Cross-Examination of Randall-Keith:Beane, Trial**
22 **Transcript Volume IV, P. 230-231, Line 12-25; 1-3**

23
24 Q All right. So you were told you had a warrant out for your arrest, and your
25 testimony just now is that there was no warrant for you?

26
27 A Correct.

28
29 Q All right. So this warrant, which, again, **I'll refer to the date at the bottom**
30 **there, April 17, 2015.**

31
32 A Correct.

33
34 Q You're saying that this warrant doesn't exist?

35
36 A It didn't until the 10th of July or -- it was -- actually, let me rephrase it. It
37 didn't until the 13th of July.

38
39 Q Okay. So the date on there is fabricated. Is that your testimony?

1 A Could be. I don't know. But **it didn't exist until July 13th of 2017.**

2
3 Q Is that because you hadn't seen a paper copy of it?

4
5 A **Never seen anything.**

6
7 **Anne-Marie Svolto Cross-Examination of Randall-Keth:Beane, Trial**
8 **Transcript Volume V, P. 13-14, line 13-25; 1-5**

9
10 Q All right. So you're upset at the Wegners right now, aren't you?

11
12 A. Only at Alex.

13
14 Q. Only at Alex.

15
16 A. Yes.

17
18 Q. Is that because he opened the door to the RV when the FBI arrived?

19
20 A. Yes.

21
22 Q. And so you were mad at him for opening the door to the RV?

23
24 A. Yes.

25
26 Q. Because you had told him not to open the door; isn't that correct?

27
28 A. I didn't say anything about opening the door.

29
30 Q. But you didn't think he should have opened the door?

31
32 A. **Not without a warrant.** (Att. #34.2 and #34.3)

33
34 Without a valid warrant entry onto the private property motorhome was
35 criminal trespass. The Wegners were invited guests. Unbeknownst to Mr. Beane,
36 they possibly were cooperating with the FBI and US Attorney frame up. Alex
37 Wegner opening the door **was NOT owner consent.**

1 Perpetrator and conspirator Anne-Marie Svolto focused attention to the top
2 of the South Carolina statewide traffic related bench warrant and the bottom of the
3 bench warrant. She steered everyone away from the middle of the warrant. What
4 a slickster! The likely reason was the warrant, when it was active, was only good
5 inside the state of South Carolina. Here's what the middle of the warrant says:
6 **"To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace**
7 **Officers of the Said State Greetings:"** (Att. #1.2)

8 Perpetrator and conspirator Anne-Marie Svolto knew it was a disposed of
9 statewide traffic related bench warrant. She was quiet on the South Carolina
10 Public Index which shows the disposition date of 7/17/2015. She was careful to
11 just talk about the top and bottom of the bench warrant while the middle held
12 extremely important information. Here are some of her top/bottom references:

13 Q Can you **read the top** of that, please? (Trial Transcript Volume IV, P. 229,
14 Line 15)

15
16 Q All right. If we could **scroll down to the bottom** of the page, right under the
17 word "Witness." (Trial Transcript Volume IV, P. 229, Line 19-20)

18
19 Q All right. So this warrant, which, again, **I'll refer to the date at the bottom**
20 **there**, April 17, 2015. (Trial Transcript Volume IV, P. 230, Line 16-17)

21
22 Again, she knew it was a statewide traffic related bench warrant. She knew
23 the warrant was disposed of July 17, 2015 – two years earlier. And she knew her
24 coconspirators were guilty of criminal trespass, unlawful arrest, unlawful
25 detention, and false imprisonment. Of course she didn't utter a word because she
26 was in on the conspiracy. Here's Mr. Beane's testimony regarding the South
27 Carolina warrant::
28

1 **Heather-Ann:Tucci:Jarraf Cross Examination of Randall-Keth:Beane, Trial**
2 **Transcript Volume V, P 111-112, Line 17-25, 1-8** (Att. #34.9 and #34.10)

3
4 Q. Did you ask to see the warrant?

5
6 A. **Yes.**

7
8 Q. Did they produce a warrant --

9
10 A. **No.**

11
12 Q. -- that day?

13
14 A. **No.**

15
16 Q. Did they identify themselves?

17
18 A. **No.**

19
20 Q. Did they say what agency they worked for?

21 A. **No, nothing.**

22
23 Q. Did they give you -- nothing?

24
25 A. **Nothing.**

26
27 Q. Did they at least tell you why you were arrested?

28
29 A. **No, nothing; nothing. They didn't say anything to me.** Other than the fact
30 that Colorado -- I was a fugitive of Colorado.

31
32 According to **Tennessee Code Title 39 -- 39-14-405. Criminal**

33
34 **trespass.** (Att. #50) (a) A person commits criminal trespass if the person enters

35
36 or remains on property, or any portion of property, without the **consent** of the

37
38 owner. **Tennessee Code Title 39 -- 39-11-614. Protection of property.** (Att. #51)

1 (a) A person in lawful possession of real or personal property is justified in
2 threatening or using force against another, when and to the degree it is reasonably
3 believed the force is immediately necessary to prevent or terminate the other's
4 trespass on the land or unlawful interference with the property.

5 (b) A person who has been unlawfully dispossessed of real or personal property
6 is justified in threatening or using force against the other, when and to the degree it
7 is reasonably believed the force is immediately necessary to reenter the land or
8 recover the property.

9 (B) **Aggravated Assault During Arrest Causing Serious Bodily Injury**

10
11 On or about July 11, 2017 Randall-Keith: Beane was completing a private
12 business transaction at Buddy Gregg RVs & Motor Homes when the vicious sneak
13 attack occurred. They all purposefully allowed their fellow officers to physically
14 assault Mr. Beane and violate his rights. They all failed to intervene to stop the
15 attack. They either participated or watched and chose to do nothing when they
16 could have done something to stop the physical assault and injuries to Mr. Beane.

17 Buddy Gregg RVs & Motor Homes was in on the sneak attack. They were
18 threatened by the FBI gang of thugs that they would be charged with “obstruction
19 of justice” if they did not cooperate. Here’s what the general Sales manager Jerald
20 Byrne said in trial testimony:

1 **Randall-Keith:Beane Cross-Examination of Jerald Byrne [Buddy Gregg RVs**
2 **& Motor Homes General Sales Manager] Trial Transcript Volume III, P. 103,**
3 **Line 5-14** (Att. #32.2)
4

5 Q Okay. Who convinced you -- at some point, you said that you felt comfortable
6 with me as a customer, and you wanted to protect me as a customer. Who
7 convinced you otherwise to let you believe that I had committed a crime to the
8 point where you allowed the FBI on the property to ambush me, basically?
9

10 A Well, it wasn't a convincing of anything. **It's called obstruction of justice.**
11 I'm not going to get involved. My main goal is to keep our customers satisfied and
12 safe. Okay. **When someone above my authority comes in on that property,** I
13 don't get involved until the dust settles.
14

15 Mr. Byrne was likely paralyzed in fear and bullied into cooperating. But it
16 doesn't change the fact he violated Mr. Beane's rights.

17 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
18 **Transcript Volume 5, P. 105-106, Lines 19-25; 1-25** (Att. #34.4 and #34.5)
19

20 A So I sat down in the coach and was waiting for it to cool off, and here comes
21 this car pull up in front of the coach blocking it in. And all these fellows get out
22 and run -- come to the door telling me to open the door. And then Alex opens the
23 door and lets them in, and they're coming in telling me I'm under arrest; I'm a
24 fugitive out of Colorado, and I'm trying to tell them I've never been to Colorado.
25 Well, **they grab me and pulled me outside the coach and start beating me and**
26 **throwing me on the ground. One of them has got his foot on my head and**
27 **telling me to -- I'm telling him, "I can't breathe."** And he's saying,
28 "You're going to have to breathe." Well, **when I did breathe, my mouth was**
29 **stuck full of dirt and grass because he had my head so far down in the grass,** I
30 couldn't do anything.
31

32 Q If you can -- is that officer here in this room right now?
33

34 A I didn't -- at that point, I think -- I don't see him now. He was in here. This
35 gentleman here known as **Mr. Pack** who I've pointed to several times, and then
36 **Mr. Parker Still.**
37

1 Q Uh-huh.

2
3 A. There was a **lady who was pregnant** and then the bald-headed guy. I don't
4 remember his name. **Jimmy Duran** or something like that.

5
6 Q Okay.

7
8 A I think Mr. Duran was the one that was manhandling me the most."

9
10 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
11 **Transcript Volume V, P. 113, line 19-22**

12
13 Q Okay. So at the RV where you were, there was approximately nine officers
14 and only one was in uniform?

15
16 A Only one.

17
18 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
19 **Transcript Volume V, P. 112-113, line 25; 1-6**

20
21 A There were several officers walking around. I don't recall who they were or
22 know who they were.

23
24 Q Were any of them in uniforms?

25
26 A **Only one.** There was a Knox County Sheriff there with a dog. When they
27 had me on the ground, they had **the dog** with his -- he **was wanting to bite me**. He
28 had -- **he was growling at my head**.

29
30 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
31 **Transcript Volume V, P. 110, line 8-24**

32
33 Q Did you refuse the medical attention?

34
35 A Yes, I did.

36
37 Q Okay. After that, did they put you into a patrol car?

38
39 A No, at that point, they -- they pulled my pants down around my waist and
40 made me stand there in handcuffs. And there were people everywhere, just

1 everywhere watching, but I was standing there in my underwear, basically, with
2 my shorts down around my thighs with my handcuffs on with a bandage wrapped
3 tight around my head. (Att. #34.8)
4

5 Q But you said you had refused medical attention. Who did the bandage
6 around your head?
7

8 A Mr. Pack did.
9

10 Q Mr. Pack?
11

12 A Yes
13

14 Q Mr. Pack.”
15

16 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
17 **Transcript Volume V, Pg. 113-114, line 19-25; 1-25**
18

19 Q Okay. So at the RV where you were, there was approximately nine officers
20 and only one was in uniform?
21

22 A Only one.
23

24 Q Were the others dressed with, like, field jackets on that –
25

26 A They had on –
27

28 Q -- said anything?
29

30 A -- suits just like they're wearing today; just suits.
31

32 Q So out of the approximately nine officers, eight of them had business suits
33 on?
34

35 A Yes, ma'am.
36

37 Q Okay. At that point, **you said that they had pulled your pants down** and
38 you were in your underwear. Were you just standing there or were they taking you
39 to the car?
40

1 A No, I stood there for -- I bet I stood there for a good 45 minutes to an
2 hour before they ever put me in the car.

3
4 Q In your underwear?

5
6 A In my underwear.

7
8 Q Okay. Do you recall the kind of squad car -- or did they put you in a squad
9 car --

10 A Eventually they did.

11
12 Q -- with lights?

13
14 A They put me in a Knox County Sheriff's car.

15
16 Q Knox Sheriff. Is that the one officer that was in uniform that was there?

17
18 A Yes, that was the one officer that was there, yes."

19
20 Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker
21 Still – Trial Transcript, Volume I, Pg. 73-74, Line 12-17; 20-25, 1-9

22
23 Q Okay. So my question is, you had stated that once he had his hands around
24 his back, what methods did you use -- did he stop resisting arrest after he had been
25 elbow punched in the back of the head a number of times with his face in the
26 ground, or did he stop resisting arrest after he had already been passed out from a
27 head injury?

28
29 A ...the amount of force used was only the amount necessary to effectuate the
30 arrest, to make the arrest that day. We had a motor home that was running. I
31 mean, all he had to do was put it in drive and, you know, lives would have been
32 lost potentially. And also, we did not know who all -- you know, we don't -- it's --
33 we're reacting to a situation. We do not know what -- you know, if there's other
34 people involved. We just don't know. We have to make that arrest, get him cuffed
35 up. He was -- he did, as you said, he obtained a cut on his head. We had an
36 EMT, Jason, who was at the scene, is an agent who's also an EMT and he treated
37 him immediately. Also, we called an ambulance just to be on the safe side, and
38 Mr. Beane refused treatment.
39

1 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
2 **Still – Trial Transcript, Volume I, Pg. 74, Line 10-13 (Att. #30.5)**

3
4 Q When – after he received the head injury, he refused treatment?

5
6 A I disagree with that – I don't know – I mean, an injury, **he got a cut on his**
7 **head.**

8
9 **Perpetrator and coconspirator and Prosecutor Cynthia Davidson Redirect**
10 **Examination of FBI Special Agent Parker Still – Trial Transcript, Volume I,**
11 **Pg. 82, line 10-20**

12
13 Q Okay. And you mentioned you – just out of an abundance of caution, Mr.
14 Beane had a **scratch** on his head. Is that right?

15
16 A That's correct, yes, ma'am. And Jason, the agent at the scene, is a EMT,
17 paramedic. He immediately put a bandage on Mr. Beane, and I believe it was
18 Jason, too, who called the paramedics. The actual ambulance showed up, and we,
19 you know – to make – I mean, it just – we – we want to do right, want to treat
20 everybody fairly, want to – you know, if there was any injury, we wanted to make
21 sure he got the medical attention, and he refused.”

22
23 It is unfortunate these perpetrators and coconspirators are still in positions of
24 trust as they have proven themselves not trustworthy and among the demons
25 corrupting the government. The law does not allow a peace officer to use more
26 force than is necessary to effect an arrest. **Strangulation** is certainly not necessary
27 to effect the arrest of an unarmed middle-age man. **Twisting Mr. Beane's arm,**
28 **giving Mr. Beane a black eye, putting bruises all over Mr. Beane's body,** and
29 **causing Mr. Beane's body to hurt all over from the beating** they administered
30 in no way can be argued necessary to effect an arrest. (Att. #34.7) Mr. Beane was
31 **elbowed to the back of the head until he bled.** They strangled Mr. Beane in

1 violation of Tennessee Code § 39-13-102 (a)(2) – “**strangulation**
2 **means...impeding normal breathing or circulation of the blood by applying**
3 **pressure to the throat or neck...**” (Att. #49) It’s not clear how you interpret
4 strangulation as anything other than attempted murder. Of course it’s attempted
5 murder. You have no idea when breathing will cease and death occurs.

6 They physically beat Mr. Beane because they could, period! It was brutal
7 and barbaric! It is only by the GRACE OF GOD they didn’t kill Mr. Beane. The
8 beat-down was bad enough to make the thugs call an ambulance. “If a peace
9 officer does use such unnecessary force, he thereby becomes a trespasser from the
10 beginning, and may be lawfully resisted. It has been held that a person can resist
11 any arrest where he "has reasonable grounds to believe that the officer is not acting
12 in good faith," and that "by submitting to arrest and being disarmed he will, by
13 reason of this fact, be in danger of great bodily harm or of **losing his life**.
14 (*Caperton v. Commonwealth*, 189 Ky. 652, 655, 225 S.W. 481, 483 (1920).

15 The Perpetrators and coconspirators didn’t talk to Mr. Beane like a man or a
16 woman, or an honest FBI agent or sheriff deputy who respects and honors his/her
17 position of emolument. They sneaked around like violent lawless thugs putting all
18 their male and female masculinity in that FBI badge, Sheriff deputy badge, and gun
19 the American people mistakenly entrusted to them. They ganged up on an
20 innocent unarmed 160lb man they had never met before—never interviewed him in

1 person or by phone—and they beat him up much like the Crips and the Bloods—
2 except these FBI and Sheriff deputy thugs delivered their violent physical beating
3 under the color of government authority. They were clothed with the authority of
4 the state. (Att. #22, #38, #39, #46, #47, #48, #49, #50)

5 Here's perpetrator and coconspirator Parker Still admitting he'd never met
6 Randall-Keith:Beane before his planned sneak attack and aggravated assault:

7 **Heather-Ann:Tucci:Jarraf Cross-Examination of Parker Still, Trial**
8 **Transcript, Volume I, P. 52-53, Line 13-25; 1-10**
9

10 Q You stated in your direct with Ms. Davidson that you didn't have hardly any
11 information on Randall Beane except for his driver's license photo or the scan of
12 his driver's license. Did you ever give Mr. Beane an opportunity to...**did you ever**
13 **once think let me get the other side of the story?**
14

15 A Absolutely.
16

17 Q And the first time that you ever made contact with Randall, was that when
18 you guys passed him out?
19

20 A Let me – let me – I take --.
21

22 Q Please just answer the question --.
23

24 A No. I'll --.
25

26 Q yes or no, was the first time that you met Randall on July 11th when your
27 teams passed him out of the vehicle? Was that the first time?
28

29 A **The first time we ever met Mr. Beane was on July 11th.**
30

31 Q When you pulled him out of the RV. Is that correct?
32

33 A When I – when we – when we removed him from an RV purchased with
34 stolen money that was running.”

1 Perpetrator and conspirator Parker Still lied to the jury and told them Mr.
2 Beane stole a motorhome (Trial Transcript, Volume I, P. 63, Line 25) out of one
3 side of his mouth while at the same time stating he had to abandon the
4 affidavit/warrant process because "-- the keys are going to be turned over to
5 him." (Trial Transcript, Volume I, P. 62, Line 22 – Att. #30.3) If the keys were
6 turned over to Mr. Beane it is clear Mr. Beane did not steal the motorhome.

7 Perpetrator and conspirator Parker Still admitted his group of thugs inflicted
8 a bleeding cut on Mr. Beane's head. (Att. #30.5) He already acknowledged they
9 elbow punched Mr. Beane in the back of the head a number of times with his face
10 buried in the dirt to near death. Perpetrator and conspirator Cynthia Davidson
11 misled the jury by getting him to lie under oath and say it was a scratch – after he
12 just testified it was a bleeding cut. No one calls an ambulance for a scratch. It's
13 not typical to bandage one's head for a scratch. Perpetrator and conspirator
14 Cynthia Davidson intentionally lied to the jury. She concealed the aggravated
15 assault that conspirator Parker Still admitted to. Randall-Keith:Beane needed his
16 head bandaged to stop the blood flow. And have no doubt, if perpetrator and
17 coconspirator Parker Still admitted under oath to inflicting a cut on Mr. Beane's
18 head you can be guaranteed it was likely worse. They meant to injure Mr. Beane.

1 It's also clear beating up and physically assaulting Americans is part of
2 perpetrator and coconspirator Parker Still's modus operandi. It seems to be his
3 normal practice to beat up those he arrests. Trial transcript:
4 **"Just like tonight if I see a shoplifter running down the aisle at Walmart, I can**
5 **tackle them. You know, I can make a probable cause arrest in Tennessee."**
6 (Trial Transcript, Volume I, P. 62, Line 12-14) Att. #30.3

7 If they haven't left the store they haven't stolen anything. Maybe they're
8 running down the aisle to meet someone. What is the probable cause? Running
9 down the aisle? It appears he's saying running down the aisle establishes probable
10 cause and probable cause means he can tackle and physically assault you. This
11 same scenario played out at Buddy Gregg RVs & Motor Homes. Mr. Beane never
12 left the dealer lot and perpetrator and conspirator Parker Still and his group of
13 thugs physically assaulted Mr. Beane and caused serious injury. An officer does
14 not determine probable cause. That's the job of a judge.

15 (C) **Public Humiliation**

16 The perpetrators and conspirators forced Randall-Keith:Beane, at gunpoint,
17 to stand in the Tennessee summer heat handcuffed while they pulled down his
18 pants and exposed his underwear to the many spectators and passersby. (Att.
19 #34.8, #34.9) They made him stand there for 45 minutes to an hour, with his
20 shorts down and his underwear exposed, and with a bleeding head intentionally

1 bandaged too tight. Mr. Beane did not request or authorize the bandage. It, too,
2 was a physical assault on Mr. Beane.

3 What lawful reason would the perpetrators and conspirators have to pull
4 down Randall-Keith:Beane's pants to expose his underwear? Were they a bunch
5 of thug sexual deviants who used their badge and gun to take a sneak peek at
6 Randall-Keith:Beane's package? Was the visibly pregnant agent comparison
7 shopping because she wasn't satisfied with what she had at home? Or was the
8 assault meant to be torture and humiliation? The baby bump "may" have
9 prevented her from throwing a punch, but she clearly did not intervene to stop the
10 Constitutional violations as required. Perhaps she couldn't imagine her unborn
11 child one day being viciously gang attacked like Randall-Keith:Beane and hoping
12 an honest decent officer would intervene and stop it. Randall-Keith:Beane is
13 somebody's child. We're all somebody's child no matter our age.

14 It was, no doubt, a deliberate act of torture and humiliation to make sure
15 Randall-Keith:Beane cooperated with the perpetrators plot and conspiracy. They
16 intended for him to keep his mouth shut about the \$31,000,494.97 and allow them
17 to do as they please. The physical beating and bruised body, elbow punches to the
18 back of the head, bleeding cut to the head, twisting of his arm, the black eye,
19 making him stand in the Tennessee hot sun for 45 minutes to an hour handcuffed
20 with his pants down, and strangled to near death was just a taste of what was to

1 come if Mr. Beane didn't shut up and allow them to falsely imprison him. They
2 wanted to inflict physical and psychological suffering and pain on Mr. Beane as a
3 down payment on the public trial and conviction abuse he would receive down the
4 road. Their conduct was despicable and unlawful. They weren't dealing with Al-
5 Qaeda or ISIS militants. They weren't dealing with a domestic terrorist. For a
6 domestic terrorist they needed to look no further than the mirror.

7 **DEFINITION**

8 Black's Law Dictionary, Second Pocket Edition, P. 714

9 **torture** – The infliction of intense pain to the body or mind to punish...to
10 obtain sadistic pleasure.

11 The Essential Law Dictionary, First Edition, 2008, P. 500

12 **torture** – The infliction of severe mental or physical pain on a person in
13 order to intimidate or punish the victim or to elicit information.

14 (D) **Felony Kidnapping**

15
16 When the arrest is not pursuant to legal forms of the law, without charge, or
17 complaint, without a warrant issued by a court or magistrate having competent
18 authority – IT IS FELONY KIDNAPPING!

19
20 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
21 **Still – Trial Transcript, Volume I, Pg. 61-62, Line 20-25; 1-4; 8-11**

22
23 Q Okay. Then let's address that, because you had stated when you were
24 working on the affidavit, you just got up and ran and grabbed -- I'm sorry I don't
25 remember your partner's name, but another colleague?

26
27 A Yes, ma'am. Correct.

1 Q Where did that information come from that would have you stop the lawful
2 process, the criminal procedures you're supposed to follow in order to have a
3 warrant to be able to arrest someone? What -- who called you with that
4 information that had you abandon protocols and process?

5
6 A The argument that I abandoned protocols and process, I strongly disagree
7 with. I did not abandon anything. We have -- we can make a probable cause arrest
8 based on information.

9
10 Probable cause is not a defense to false imprisonment. Perpetrator and
11 conspirator Parker Still said they made a probable cause arrest, but they
12 did not go before a magistrate or judge for a probable cause hearing.
13 Perpetrator and conspirator Parker Still said they used a South Carolina statewide
14 misdemeanor traffic related bench warrant to arrest Mr. Beane, but that warrant
15 was disposed of two years earlier and it was a statewide warrant.

16 Plain and simple, it was an unlawful arrest, felony kidnapping, unlawful
17 detention and false imprisonment.

18 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
19 **Still – Trial Transcript, Volume I, P. 62, Line 18-25**

20
21 A I was working on a seizure warrant. That is correct. At the time I was
22 working on a seizure warrant in coordination with the U.S. Attorney's Office.
23 Once the facts changed, and Mr. Beane starts -- is -- plans to leave in that
24 motorhome or it's going to be -- the keys are going to be turned over to him at
25 Buddy Gregg, we had to react. There was not time for me to get in front of the
26 magistrate judge. There was not time for me to finish an affidavit. We had to
27 react at the time.”

28
29 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
30 **Still – Trial Transcript, Volume I, Pg. 63, line 20-25**

1 ...Buddy Gregg, it's my understanding as a -- that Buddy Gregg provided that
2 information to one of our task force officers who relayed that information to me
3 that he was leaving in the motorhome. And you know what? When we got there, he
4 was leaving in the motorhome. Pretty good information. Stolen motorhome. “

5
6 Perpetrator and conspirator Parker Still says he was working on a seizure
7 warrant. He was not working on an arrest warrant and it's likely because he knew
8 he didn't have probable cause to present to a judge. They used the South Carolina
9 statewide traffic related bench warrant that had been disposed of two-years (July
10 17, 2015) earlier as the predicate to arrest Randall-Keith:Beane on July 11, 2017.

11 **The Dept. of Justice – 1033. KIDNAPPING—18 U.S.C §§ 1201, 1202**

12 “Conviction for the offense of kidnapping requires proof of transportation in
13 interstate commerce, of an unconsenting person, who is held for ransom or
14 reward or otherwise, where the accused's acts were knowingly and willfully
15 committed. See United States v. Osborne, 68 F.3d 94 (5th Cir. 1995). See
16 also United States v. Crosby, 713 F.2d 1066 (5th Cir.); cert. denied, 464 U.S. 1001
17 (1983). Proof is not required that the accused carried out the kidnapping for
18 personal financial gain. See United States v. Childress, 26 F.3d 498 (4th Cir.
19 1994), cert. denied, ___ U.S. ___, 115 S. Ct. 1115 (1995).”

20 Jaron Patterson, University of Tennessee Police Department and FBI Cyber
21 Task Force Investigator, was at the scene when the FBI perpetrators arrested
22 Randall-Keith:Beane. Perpetrator and conspirator Jaron Patterson did not have an
23 arrest warrant. He said he had knowledge of an active arrest warrant but didn't

1 recall who issued it. (Att. #31.4) Perpetrator and conspirator Jaron Patterson said
2 the FBI confirmed the active South Carolina warrant but nobody had a copy of it
3 because it's "not very common to take a copy." (Att. #31.5, #55) Perpetrator and
4 conspirator Jaron Patterson did not make an effort to confirm the South Carolina
5 active warrant and he did not know if it truly existed. (Att. #31.6 and #31.7)

6 Randall-Keith:Beane asked for a copy (Att. #55) of the warrant and they
7 turned a normal part of due process in which they are obligated to provide a copy
8 of the warrant into a physical attack. Why? Because they were pissed that Mr.
9 Beane was smart enough to ask for the warrant and they knew they didn't have
10 one. Randall-Keith:Beane had no way of knowing if the alleged warrant was
11 lawful so he asked to see it. As it turns out it wasn't. They knew they couldn't
12 show Mr. Beane the South Carolina warrant because Mr. Beane would have
13 researched and scrutinized it and advised them it was not valid.

14 The perpetrators and conspirators:

- 15 1) used a South Carolina statewide misdemeanor traffic related bench
16 warrant that was disposed of two years earlier (7/17/2015) to arrest
17 Randall-Keith:Beane on 7/11/2017,
18
- 19 2) knew the warrant was not active and was for South Carolina only,
20
- 21 3) knew they had no lawful or legal reason to arrest Randall-Keith:Beane
22 and no lawful or legal reason to arrest Heather-Ann:Tucci:Jarraf,
23

1 4) physically assaulted Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf
2 by handcuffing and forcing them into a vehicle so that they could kidnap
3 and transport them to an illegal and unlawful confinement.
4

5 5) illegally and unlawfully detained Randall-Keith:Beane from July 11,
6 2017 to July 27, 2017 – 17 DAYS – with NO WARRANT and NO
7 PROBABLE CAUSE HEARING. They never held a probable cause
8 hearing because they never had probable cause.
9

10 6) issued two fraudulent fictitious signed United States District Court for the
11 Eastern District of Tennessee warrants signed by “A. Brush” –not the
12 clerk as required by 18a U.S. Code Rule 9. (Att. #10)
13

14 7) kidnapped Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf
15

16 Use of an inactive disposed of South Carolina statewide misdemeanor traffic
17 related bench warrant, and a fraudulent fictitious signed United States District
18 Court for the Eastern District of Tennessee warrant means the perpetrators and
19 coconspirators never had a lawful reason to arrest or detain Randall-Keith:Beane or
20 Heather-Ann:Tucci:Jarraf from day one. This means they knowingly and
21 intentionally kidnapped Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf with
22 the hope they wouldn’t get caught.

23 **VIII) Private Property Search and Seizure Without a Warrant**

24 On July 11, 2017 the FBI perpetrators seized the private property
25 motorhome without a seizure warrant and went joyriding in it. This is called theft!
26 Trial transcript:

1 **Heather-Ann:Tucci:Jarraf Cross-Examination of Randall-Keith:Beane, Trial**
2 **Transcript Volume V, P. 118-119, Line 5-25; 1-2**

3
4 Q Okay. So they took you straight to the detention facility; no more stops?

5
6 A Right. That was -- while we were on the way is when I passed -- we came up
7 behind the coach, and I said to Officer Blaine, I said, "That looks like my coach."
8 And as we drove by, that's when Mr. Pack and Mr. Still were laughing and --
9 pointing at me and laughing.

10
11 Q They were driving your RV?

12
13 A Yes, they were driving the RV.

14
15 Q Who was driving? Mr. Parker?

16
17 A Mr. Pack was driving and Mr. Parker was sitting in the passenger seat.

18
19 Q And you now know Mr. Pack and Mr. Still and Mr. Duran to be with the
20 Federal Bureau of Investigations?

21
22 A Yes.

23
24 Q Knox County, or in Knox?

25
26 A From the discovery that I've read, yes. I don't know that other than through
27 discovery that I've read.

28
29 Q But at that time you didn't know?

30
31 A I had no idea.

32
33 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
34 **Still, Trial Transcript Volume I, Pg. 64, line 1-6**

35
36 Q Did you also retrieve or seize at that time Randall Beane's cash that he had
37 already paid to Buddy Gregg three days -- excuse me, four days prior to you taking
38 him on the 11th?

1 A Did we seize the cash? No, ma'am. We ultimately seized the motor
2 home, not any cash that I'm aware of."

3
4 Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker
5 Still, Trial Transcript Volume I Pg. 64, line 7-17

6
7 Q Okay. So on the 11th, you seized a motor home which he had bought four
8 days prior and paid cash for, but didn't grab the cash as well as part of the
9 evidence of a crime?

10
11 A No, ma'am. The – you know, you're getting into some legal stuff, you
12 know, whether you've got good faith purchasers and that kind of stuff. We seized
13 the asset that was purchased with the stolen money. The victim bank, you know
14 – or USAA, and I think this is Whitney Bank who is the correspondent bank, who
15 actually received the money, you know, that's – I mean, I don't think that money
16 has been seized. I know it hasn't. That money has never been seized."

17
18 Prosecutor Cynthia Davidson Redirect Questioning FBI Special Agent Parker
19 Still, Trial Transcript Volume I, Pg. 80, line 11-13

20
21 Q What kind of warrant were you working on on the 11th?

22
23 A That was a seizure warrant, an affidavit of seizure warrant, probable cause
24 warrant to seize the motor home.

25
26 Perpetrator and conspirator Parker Still was not trying to get an arrest
27 warrant. He covered that angle with the phony South Carolina statewide
28 misdemeanor traffic related bench warrant that had been disposed of two years
29 earlier. He was focused on taking the private property motorhome, but he didn't
30 have a seizure warrant to take it lawfully so he just broke the law and took it
31 without a seizure warrant. The due process clause requires the government to
32 afford notice and a meaningful opportunity to be heard before seizing property.

1 And private property is seized only by way of military necessity under the Lieber
2 Code.

- 3 • *Gerstein v. Pugh*, 420 U.S. 103; *Graham v. Connor*, 490 U.S. 386,
4 distinguished. **Where the Government seizes property not to preserve**
5 **evidence of criminal wrongdoing but to assert ownership and control**
6 **over the property, its action must also comply with the Due Process**
7 **Clause.** See, e.g., *Calero Toledo v. Pearson Yacht Leasing Co.*, 416 U.S.
8 663; *Fuentes v. Shevin*, 407 U.S. 67. Pp. 4-8” (United States v. James Daniel
9 Good Real Property (92-1180), 510 U.S. 43 (1993)., Ninth Circuit)

10 The FBI perpetrators and coconspirators didn’t seize the \$31,000,494.97
11 (Trial Transcript, Volume II, P. 38, Line 14 – Att. #31.3) that was transferred from
12 Mr. Beane’s treasury direct depository account to Mr. Beane’s USAA Bank
13 account as evidence. The FBI didn’t seize the \$493,110.68 used to purchase the
14 motorhome as evidence. (Att. #29.2) Why? Because they knew no crime had
15 occurred. The Buddy Gregg snitches were likely told they could keep the
16 \$493,110.68 (which was lawfully already theirs through a lawful purchase
17 transaction), and they wouldn’t face obstruction of justice charges, in exchange for
18 their willingness to cooperate and violate Mr. Beane’s rights without force of law
19 (subpoena).

20 On July 11, 2017 the FBI and their coconspirators unlawfully seized the
21 private property motorhome. It was seized and converted to the use of the
22 government without any lawful authority, without any process of law.

23 **IX) Grand Jury Witness**

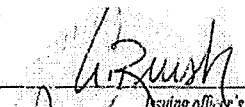
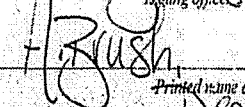
24 On/about July 18, 2017 perpetrator and conspirator Parker Still strutted
25 down to the grand jury -- fresh off participating in beating up Mr. Beane,
26 trespassing on private property, stealing private property, publicly humiliating Mr.
27 Beane by pulling down his pants (Att. #34.8), kidnapping him, and falsely
28 imprisoning him eight (8) days earlier—all without a valid arrest warrant, without



1 a seizure warrant and without a probable cause hearing -- to give knowing, willing,
2 and intentional false testimony as the ONE AND ONLY grand jury witness. There
3 was no victim or accuser testimony – just the man who committed aggravated
4 assault and battery on Mr. Beane eight days earlier, imprisoned Mr. Beane without
5 a valid warrant, seized private property without a seizure warrant and used a South
6 Carolina statewide misdemeanor traffic related bench warrant that had been
7 disposed of two years earlier to do it. Innocent until proven guilty was thrown out
8 the window. There was no due process, period!

9 Mr. Beane and Mrs. Tucci:Jarraf were indicted that day.

10 **X) Fraudulent Fictitious Signed District Court Arrest Warrant** (Att. #3,
11 #4, and #10)

12 On/about July 19, 2017, the US District Court for the Eastern District of
13 Tennessee issued an indictment arrest warrant for Mr. Beane and Mrs.
14 Tucci:Jarraf. These were special arrest warrants. They had the word “sealed”
15 stamped 2-3 times, FBI/Still at the top, numbers, dates written all
16 over it to make it look “official.” What the two arrest warrants didn’t have was the
17 signature of the clerk – Debra C. Poplin. This is how the warrants were signed:

18 
19 *Issuing officer's signature*
20 
21 *U.S. Magistrate Judge*
Printed name and title
Deputy Clerk
Return


Issuing officer's signature

U.S. Magistrate Judge
Printed name and title
Deputy Clerk
Return

1 Randall-Keith:Beane

2 United States District Court for the
3 Eastern District of Tennessee Arrest
4 Warrant not signed by the then clerk –
5 Debra C. Poplin.

6 18a U.S. Code Rule 9. Arrest Warrant or Summons on
7 an Indictment or Information

8 (b) **FORM.**

9 (1) Warrant. The warrant must conform to Rule 4(b)(1) except that it
10 must be signed by the clerk and must describe the offense charged in the
11 indictment or information.

12 Att. #3, #4, and #10

Heather-Ann:Tucci:Jarraf

United States District Court for the
Eastern District of Tennessee Arrest
Warrant not signed by the then clerk –
Debra C. Poplin.

Below is Debra C. Poplin's signature on a
document in a different matter. (Document 45,
case 3:18-cv-00411-DCP, Filed 06/03/19)

It was announced on/about Sept. 13, 2017 (2
months after Beane's arrest) that U.S. District
clerk Poplin was appointed U.S. Magistrate
Judge for the Eastern District of Tennessee. Her
term began Feb. 13, 2018. She succeeded Chief
Magistrate Judge C. Clifford Shirley Jr., who
retired.

ENTER:


Debra C. Poplin
United States Magistrate Judge

13 Who is A. Brush? At the time the fraudulent indictment arrest warrants
14 were issued the clerk was Debra C. Poplin. The arrest warrants should have been
15 signed by her in accordance with Rule 9. Arrest Warrant on an Indictment – “(b)
16 **FORM.** (1) Warrant. The warrant must conform to Rule 4(b)(1) except that “it
17 must be signed by the clerk...” -- not a deputy! (Att. #10)

18 The arrest warrants appear to be forged fictitious fraudulent falsified
19 government documents. The court directory did not show an A. Brush or a
20 “deputy clerk” position in the US District Court for Eastern Tennessee.

Court Directory

Clerk's Office

John L. Medearis, Clerk of Court, (423) 752-5200

LeAnna Wilson, Chief Deputy Clerk, (865) 545-4228

Division Managers

Russell Eslinger	Chattanooga & Winchester	(423) 752-5200	russell_eslinger@tned.uscourts.gov
Rick Tipton	Greeneville	(423) 639-3105	rick_tipton@tned.uscourts.gov
Kathy Keeton	Knoxville	(865) 545-4228	kathy_keeton@tned.uscourts.gov

There is a “chief deputy clerk” position. The chief deputy clerk for 17 years was John Medearis. He was promoted to the clerk of court February 13, 2018 and the then clerk of court (Debra C. Poplin) was promoted to replace magistrate judge C. Clifford Shirley. John Meaderis was the chief deputy clerk for seventeen years prior to his 2018 promotion. Again, who is A. Brush?

Why didn’t the clerk, Debra C. Poplin, sign those fraudulent indictment arrest warrants? The largest part of a court clerk’s job is handling court records. Why didn’t Debra C. Poplin screen and audit the arrest warrants as she would other documents submitted in the federal courts to ensure that they complied with legal requirements? The warrants are invalid and void, and a prosecution and verdict of guilty does not make an unlawful arrest lawful.

The arrest warrants are invalid because they were not signed by then clerk Debra C Poplin. The warrants are fictitious and fraudulent in violation of 18 U.S.

1 Code § 1001 (a) (1) (2) (3). (Att. #21) The false, fictitious, fraudulent statements,
2 representations, and documents (arrest warrants) occurred prior to the beginning of
3 judicial proceedings. Keep in mind they skipped a probable cause hearing. The
4 only hearing held was a few hours of perpetrator and conspirator Parker Still's
5 testimony before a grand jury so the FBI and US Attorney could get an indictment
6 to have a fictitious clerk issue fraudulent arrest warrants and move toward judicial
7 proceedings. They knew they could not get a probable cause arrest warrant. Not
8 even a crooked magistrate or judge would go for such blatant violation of law. The
9 grand jury, on the other hand, was a different story. They had a great deal of faith
10 they could manipulate, threaten, or buy the grand jury indictment.

11 **DEFINITION:**

12
13 **JUDICIAL PROCEEDING** -- "Any proceeding wherein judicial action is
14 invoked and taken." (Black's Law Dictionary, 4th Edition, Page 986)

15
16 Perpetrator and coconspirator Parker Still was questioned under oath why he
17 arrested Mr. Beane on the 11th but didn't get a Tennessee warrant until the 19th.
18 Still explains he used the disposed of South Carolina warrant until he could get the
19 fraudulent fictitious Tennessee warrant.

20
21 **Randall-Keith:Beane Cross Examination of Parker Still, Trial Transcript**
22 **Volume VII, P. 58, Line 5-18**

23
24 Trial excerpt:

25
26 Q You are right. It was the 11th -- I mean, the 19th -- why would it take so
27 many days between the 11th and the 19th to come up with this warrant from the
28 FBI?
29

1 A Well, Mr. Beane, there was a grand jury date in between. So just to explain
2 the Exhibit 165, like I was shown, that was the e-mailed copy of the warrant that
3 was sent to me. That was the one from South Carolina.

4
5 Q The alleged warrant?

6
7 A Your words, sir. And then the -- this -- there would have been a grand jury
8 date in between, so I would have gone in front of the grand jury. The grand jury
9 would have issued what we call a true bill, an indictment, and that's when we
10 would have had it served out there at the jail.

11
12 **XI) Tennessee Arrest Law**

13
14 Given they used a disposed of South Carolina statewide arrest warrant and a
15 fictitious signed Tennessee district court indictment arrest warrant it is obvious the
16 perpetrators and coconspirators were also in violation of Tennessee arrest
17 requirements. Perpetrator and conspirator Parker Still testified as follows:

18 **Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial**
19 **Transcript, Volume I, P. 44-45, Line 10-25, 1-4**

20
21 Q So within the laws and the statutes and the codes and the constitution and
22 your own FBI policy standards. Is that correct? That limits what kind of
23 actions you can take?

24
25 A **No, ma'am. I wouldn't limit.** I wouldn't say that even limits us. Because, I
26 mean, **in a state like Tennessee**, you know, where we have -- we have --
27 might even have -- in a lot of states, **we might have something called like a**
28 **peace officer status** or something where **we can even enforce the laws of**
29 **the State of Tennessee**. So, I mean, it's hard to limit when you start, you
30 know, saying, you know, this code or that code or this or that. So I can't
31 agree to that statement.

32
33 Q So you would do -- you're stating that you could do any actions regardless if
34 there's codes, statutes, actual laws that you're supposed to follow?

1 A No, ma'am. I can't do any actions. I am bound by, you know, rules and
2 regulations. And you did -- you said a lot of them that we are bound by, the
3 United States Constitution, the FBI internal rules, Department of
4 Justice, big umbrella, you know, that we fall under. State of Tennessee, you
5 know, I mean, there's a lot of rules and regulations out there.

6
7 Perpetrator and conspirator Parker Still states he can enforce the laws of

8 Tennessee. There is NOTHING in 18 U.S. Code § 3052 (Att. #15) that allows him
9 to enforce Tennessee law. However, he was obligated to adhere to Tennessee laws
10 and rules:

11 2018 Tennessee Code Title 40 - Criminal Procedure Chapter 6 - Warrants
12 Part 1 - Search Warrants § 40-6-103. Probable cause and affidavit.
13 Universal Citation: TN Code § 40-6-103 (2018) (Att. #52)
14

15 A search warrant can only be issued on probable cause, supported by
16 affidavit, naming or describing the person, and particularly describing the property,
17 and the place to be searched.

18 2018 Tennessee Code Title 40 - Criminal Procedure Chapter 6 - Warrants
19 Part 1 - Search Warrants § 40-6-104. Examination of complainant.
20 Universal Citation: TN Code § 40-6-104 (2018) (Att. #53)
21

22 The affidavits must set forth facts tending to establish the grounds of the
23 application, or probable cause for believing the grounds exist.

24 2018 Tennessee Code Title 40 - Criminal Procedure Chapter 6 - Warrants
25 Part 2 - Arrest Warrants § 40-6-216. Copies of warrants. Universal Citation:
26 TN Code § 40-6-216 (2018) (Att. #55)
27

28 (a) A criminal defendant...shall have the right to...receive...a copy of any
29 warrant...

1 **2018 Tennessee Code Title 40 - Criminal Procedure Chapter 6 -- §40-6-208.**

2 **Contents of warrant.** (Att. #54)

3 (d) The warrant shall include a copy of the affidavit of complaint.

4 Not only did the perpetrators and conspirators not give Mr. Beane a copy of
5 the alleged warrant, they wouldn't tell him why he was being arrested. (Att.
6 #34.10)

7 **XII) No FBI Jurisdiction and No US Attorney Jurisdiction** (Att. #15, #16.1,
8 #16.2, #17, and #18)

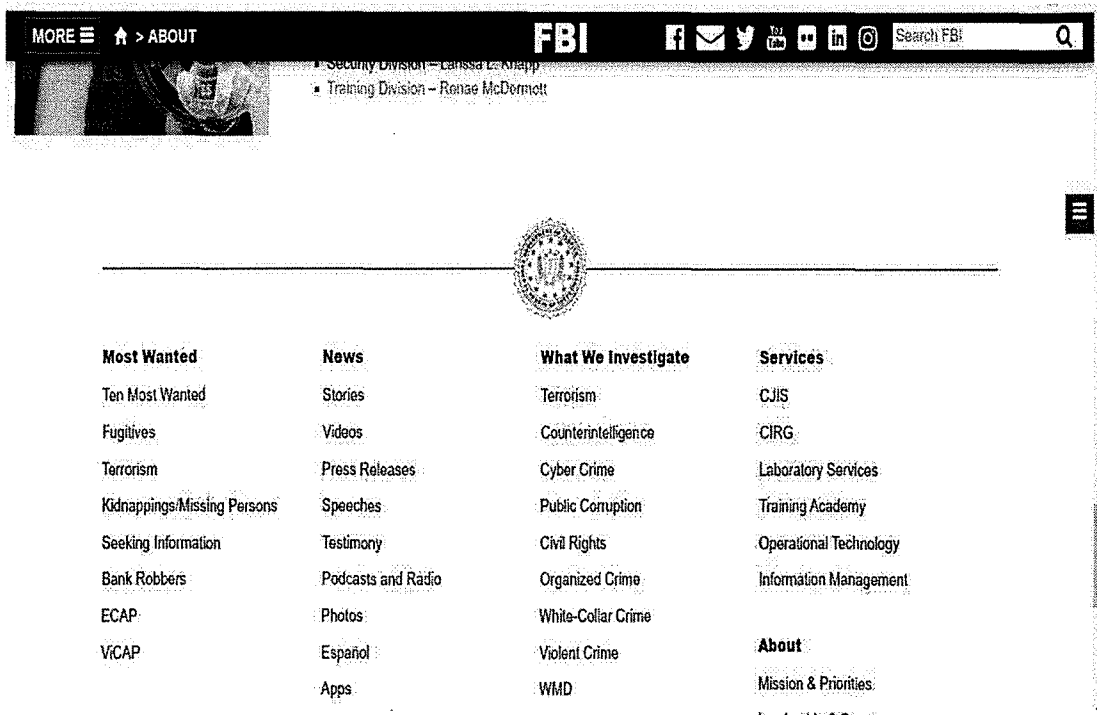
9 **No FBI Jurisdiction**

10 The FBI did not have jurisdiction. Upon what authority did perpetrator and
11 coconspirator Parker Still believe he had jurisdiction to make an arrest of a private
12 American engaged in a private business transaction? None! No authority!

13 The Knoxville FBI website has the following: **What We Investigate:**

- 14• Terrorism
- 15• Counterintelligence (N/A)
- 16• Cyber Crime
- 17• Public Corruption
- 18• Civil Rights
- 19• Organized Crime
- 20• **White-Collar Crime**
- 21• Violent Crime
- 22• WMD

23
24 **<https://www.fbi.gov/contact-us/field-offices/knoxville>**



Perpetrator and conspirator FBI special agent Parker Still tried to gain jurisdiction by calling it a “white-collar crime.” White collar crimes are his specialty. Grand Jury Transcript:

Cynthia F. Davidson Questioning Parker Still, Grand Jury Transcript, P. 2-3, Line 25, 1-5

Q And do you have a specialization at the FBI? Are you in a squad? Do you investigate a specific type of cases?

A Yes, ma’am. I handle primarily white collar cases involving, you know, bank fraud, wire fraud, mail fraud, general financial crimes.

Here’s the **FBI definition** of white collar crime from their website:

“Reportedly coined in 1939, the term **white-collar crime is** now synonymous with the full range of **frauds committed by business and**

1 **government professionals**. These crimes are characterized by deceit,
2 concealment, or violation of trust and are not dependent on the application or threat
3 of physical force or violence.

4 The FBI's white-collar jurisdiction is over **business and government** – not
5 private Americans engaged in a private transaction.



9 Reportedly coined in 1939, the term white-collar crime is now synonymous with the full range of frauds committed by business and government professionals. These crimes are
10 characterized by deceit, concealment, or violation of trust and are not dependent on the application or threat of physical force or violence. The motivation behind these crimes is
11 financial—to obtain or avoid losing money, property, or services or to secure a personal or business advantage.

12 Perpetrator and conspirator Parker Still did not have jurisdiction and he
13 knew it, but it didn't stop him from committing private property trespass,
14 aggravated assault, kidnapping, stealing private property and falsely imprisoning
15 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

16 According to 18 USC 3052 – **Powers of Federal Bureau of Investigation** –
17 “... **agents** of the Federal Bureau of Investigation of the Department of Justice
18 may carry firearms, **serve warrants and subpoenas issued under the authority**
19 **of the United States** and make arrests without warrant for any **offense against**
20 **the United States** committed in their presence, or for any felony

1 **cognizable** under the laws of the United States if they have reasonable grounds to
2 believe that the person to be arrested has committed or is committing such felony.

3 **DEFINITION**

4 Cognizable Law and Legal Definition

5 Cognizable means capable of being known or considered. It means capable
6 of being judicially tried or examined before a designated tribunal. A cognizable
7 claim or controversy is one that meets the basic criteria of viability for being tried
8 or adjudicated before a particular tribunal. The term means that the claim or
9 controversy is within the power or jurisdiction of a particular court to adjudicate.

10 **That which is cognizable to a judge is within the scope of his or her**
11 **jurisdiction.** (<https://definitions.uslegal.com/c/cognizable/>)

12 This case was not within the scope of the Tennessee District Court according
13 to the two ways for a federal court to gain subject matter jurisdiction. (Att. #6)
14 Perpetrator and conspirator Parker Still did not have a cognizable interest in the
15 case. He lacked standing and jurisdiction to initiate the case against Randall-
16 Keith:Beane and Heather-Ann:Tucci:Jarraf. The plaintiff and the perpetrators
17 and coconspirators did not have an interest in Mr. Beane's private business
18 transaction. They had no legal or lawful authority to arrest Mr. Beane.

1 18 USC 3052 says the FBI can “make arrests without warrant for any
2 offense against the United States committed in their presence...” There was no
3 offense committed against the United States or the United States of America.

4 **Parker Still Cross-examined by Heather-Ann:Tucci:Jarraf, Trial Transcript**
5 **Volume I, P. 45, Line 12-18:**

6 Q Okay. But let’s go into the probable cause. That day, do you believe that
7 you had probable cause that day to arrest Randy Keith Beane?

8 A Without a doubt, ma’am. He is sitting in a vehicle purchased with stolen
9 money with the vehicle running. You better believe I had probable cause. I saw **it**
10 with my own two eyes.”

11 An officer cannot make a determination with regard to probable cause. That
12 is the job of a judge. What is the “it” he saw with his own two eyes? He saw Mr.
13 Beane sitting in private property with the motor running. How did he determine on
14 the spot that the vehicle was purchased with “stolen money?” Without
15 investigating or interviewing Mr. Bean perpetrator and conspirator Parker Still
16 concluded that Mr. Beane had committed an offense against the United States and
17 he proceeded to trespass upon private property, commit aggravated assault against
18 Mr. Beane, steal private property, kidnap and falsely imprison Mr. Beane -- all
19 because he saw Mr. Beane sitting in private property with the engine running.
20 That was perpetrator and conspirator Parker Still’s probable cause. Mr. Beane
21 explained why the engine was running (not that it was any of perpetrator and
22 conspirator Still’s business):

1 **Heather-Ann:Tucci:Jarraf Cross Examination of Randall-Keith:Beane, Trial**
2 **Transcript Volume V, P 103, Line 21-24**

3
4 A No, not at that point. At that point, Al -- Val was -- she felt like she was
5 getting a heatstroke. So we got the RV started and she got inside to where she
6 could cool off.

7
8 “White-collar crime” was not the only argument the FBI and US attorney
9 perpetrators and coconspirators used to take jurisdiction. They also argued the
10 financial institutions involved were FDIC insured. This was to create standing.

11 During the grand jury hearing and trial the perpetrators said:

- 12 • A It’s -- the banking part of USAA is federally **backed by** the Federal
13 Deposit Insurance Corporation commonly referred to as **the FDIC**.”
14 (Cynthia Davidson Questioning Parker Still -- Grand Jury Transcript, Pg. 3,
15 line 18-20)

- 16
17 • Q Okay. During the **theft from the defendant**, Randall Keith Beane,
18 roughly July 30 – I’m sorry, July 3rd, 2017 through July 10th, 2017, was
19 **USAA Bank FDIC insured?**

20
21 A Yes. (Prosecutor Cynthia Davidson Questioning Monica Alcala, Trial
22 Transcript Volume II, Pg. 38, line 4-7 – Att. #31.3)

- 23
24 • Q All right. Whitney Bank. And so is Whitney Bank **FDIC insured?**

25
26 A Yes. . (Prosecutor Anne-Marie Svolto Questioning Lauren
27 Palmisano -- Trial Transcript VOLUME III, Pg. 112, line 3-5)

28
29 REMEMBER: (1) There was no loss to the US government (Att. #33.2), (2) No
30 FDIC claim filed, and (3) The FDIC does not insure robberies and other thefts.
31 (Att. #36)

32 **No US Attorney Jurisdiction**

1 United States Attorneys jurisdiction extends to “all offenses against the
2 United States.” (Att. #18) There was no offense against the United States by
3 Randall-Keith:Beane or Heather-Ann:Tucci:Jarraf.

4 The perpetrators could not provide evidence that the United States of
5 America sustained an injury that would give rise to a cause of action/standing.
6 (Att. #33.2) In piecing together their fraudulent “felony” fraud and money
7 laundering case they had to create an injury for the United States of America by
8 connecting the FDIC to the case -- implying an FDIC claim was made and paid.
9 But the FDIC had nothing to do with the case.

10 The FDIC does not insure ‘robberies, thefts, and other causes of
11 disappearing funds.’ (Att. #36) The perpetrators knew there was no FDIC claim
12 and the FDIC had nothing to do with the case but they decided to make that link
13 regardless of the deception. It was an intentional perversion of the truth for the
14 purpose of inducing the grand jury to indict and the trial jury to convict.

15 The perpetrators and conspirators said they considered USAA Bank to be
16 their “victim,” not the United States of America. They tell us here:

- 17 • A “In this case, **USAA is our victim.**” (Prosecutor Cynthia Davidson
18 Questioning FBI Special Agent Parker Still, Trial Transcript Volume I, Pg.
19 24, line 19-20)
20
21 • Q **So at that point, you had determined that USAA Bank was the**
22 **victim before looking at any other information?**
23

1 **A I – at that time, yes.** (Heather-Ann:Tucci:Jarraf Cross-Examination
2 of FBI Special Agent Parker Still, Trial Transcript Volume I, Pg. 50-51, line
3 25; 1-2)
4

- 5 • **A The victim bank, you know – or USAA”** (Heather-Ann:Tucci:Jarraf
6 Cross-Examination of FBI Special Agent Parker Still, Trial Transcript
7 Volume I, Pg. 64, line 13)
8

9 The perpetrators and conspirators said the victim was USAA Bank. They
10 admitted several times to deceiving the grand jury and trial jury into believing the
11 United States of America was the victim plaintiff. There clearly was no offense
12 against the United States or the United States of America. The United States of
13 America did not have standing. No one had jurisdiction.

14 **XIII) No Federal Jurisdiction**

15 How did perpetrators and coconspirators Thomas A.Varlan and C. Clifford
16 Shirley get subject matter and personal jurisdiction? Can they just decide
17 themselves they have jurisdiction? No, but that’s what they did.

18 Given the FBI did not have jurisdiction, and they appear to be the lead
19 perpetrators of this conspiracy, the US attorneys and district court certainly did not
20 have jurisdiction.

21 **Proceedings Before C. Clifford Shirley, Jr., October 18, 2017, P. 40-42, Line**
22 **20-25; 1-25; 1-2)**
23

24 Here’s perpetrator and conspirator C. Clifford Shirley’s position:
25

26 **THE COURT:** Are you aware that the district courts, like this one, **have original**
27 **jurisdiction over all criminal offenses against the laws of the United States by**
28 **statute?**

1 MS. TUCCI-JARRAF: When was that statute made and entered?

2
3 THE COURT: I don't know. 18 U.S. Code Section 3231, I'm sure you're aware of
4 that, having gone to law school. Right?

5
6 MS. TUCCI-JARRAF: When was that actually entered? My point is, unless it's
7 dated after March 13th -- excuse me, March 18th, 2013, along with a newly issued
8 constitution and everything, I know they've already tried to reincorporate. All
9 of our people at BIS, they've tried to reincorporate the corporation, but they could
10 not.

11
12 THE COURT: So your position is that, even though that's been the law of the land
13 since the founding of the country, if it hasn't been redone since you filed your
14 financing statement, it's no good, it's not good law, the district courts do not have
15 original jurisdiction over all the criminal offenses against the United States?

16
17 MS. TUCCI-JARRAF: Well, the court never had original jurisdiction -- or the
18 United States is only a ten square mile, if you've been to D.C. And then as far as
19 branching it out, that's where the fraud has occurred under the old statutes.
20 I'm saying that at this point, the federal corporation does not exist. I have not
21 received any sworn documentation rebutting any of that to prove that it does exist.
22 And, you know, we're all having a conversation here, but none of it actually
23 counts, only because we still have not received the authority, sworn declaration,
24 sworn documentation, verified and validated by you or Anne-Marie Svolto or
25 Cynthia Davidson stating your authority and jurisdiction, so therefore,
26 we're just having a conversation here.

27
28 There are probably 99 reasons why perpetrators and conspirators Thomas A.

29 Varlan and C. Clifford Shirley did not have jurisdiction. Heather-

30 Ann:Tucci:Jarraf's UCC filings is certainly a big one. Here are a few more

31 reasons:

32 1) Federal question jurisdiction is one of the two ways for a federal court to

33 gain subject matter jurisdiction over a case - 28 U.S. Code § 1331 and the

1 other way is through diversity jurisdiction - 28 U.S. Code § 1332. (Att. #5,
2 #6 and #7). They both pertain to civil actions.

3 2) **Court of Record** -- According to 28 U.S. Code § 132(a). Creation and
4 composition of district courts – “**a district court shall be a court of**
5 **record**.” (Att. #8) A court of record must proceed according to common
6 law – not statute. In a court of record the judge does ministerial functions
7 and has no discretion in a court of record. He’s a referee. Here’s a
8 definition of “court of record:”

9 **DEFINITION**

10 A “**court of record**” is a judicial tribunal having attributes and exercising
11 functions independently of the person of the magistrate designated generally to
12 hold it, and proceeding according to the course of common law, its acts and
13 proceedings being enrolled for a perpetual memorial. Jones v. Jones, 188 Mo.App.
14 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc., Mass., 171, per Shaw, C. J.
15 See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689. (Black’s Law
16 Dictionary, 4th Edition, Pg. 426) (Att. #9.2)

17 **COMMON LAW**. That which derives its force and authority from the
18 universal consent and immemorial practice of the people. See Law, common.
19 (Bouvier Law Dictionary, 1856 Edition, Page 379)

1 **LAW, COMMON.** The common law is that which derives its force and
2 authority from the universal consent and immemorial practice of the people. **It has**
3 **never received the sanction of the legislature, by an express act, which is the**
4 **criterion by which it is distinguished from the statute law.** (Bouvier Law
5 Dictionary, 1856 Edition, Page 1039)

6 Perpetrators and coconspirators Thomas A Varlan and C. Clifford Shirley,
7 Jr. did not have the power and authority of law to do the particular acts they did.
8 That didn't matter to them because they had a role to fulfill as coconspirators, and
9 they were running a human trafficking court – not an Article III court or court of
10 record. It was not a court of competent jurisdiction.

11 3) **Lack of Standing** – In Lujan v. Defenders of Wildlife (90-1424), 504 U.S.

12 555 (1992), the Supreme Court created a three-part test to determine whether
13 a party has standing (<https://www.law.cornell.edu/wex/standing>):

14 a. The plaintiff must have **suffered an "injury in fact,"** meaning that the
15 injury is of a legally protected interest which is (a) concrete and
16 particularized and (b) actual or imminent.

17
18 Sean O'Malley of the New York Federal Reserve Bank made it clear –
19 **"there was no loss to the U.S. government"** (Heather-Ann:Tucci:Jarraf
20 Cross-examination of Sean O'Malley, Trial Transcript VOLUME 4, P.18,
21 Line 12-13)

22 b. There must be a causal connection between the injury and the conduct
23 brought before the court
24

1 c. It must be likely, rather than speculative, that a favorable decision by the
2 court will redress the injury. (Att. #25)

3 The Plaintiff, United States of America, did not have Article III standing.
4 They did not satisfy the standing doctrine's core requirement that they allege
5 personal injury fairly traceable to Randall-Keith:Beane and Heather-
6 Ann:Tucci:Jarraf. In fact, the "United States of America" is a piece of paper and
7 can't establish anything.

8 4) **No FBI Jurisdiction** – the perpetrators and coconspirators at the FBI did not
9 have jurisdiction. According to 18 USC 3052, the FBI can “make arrests
10 **without warrant for any offense against the United States committed in**
11 **their presence,”** or for a cognizable felony. No offense was committed
12 against the United States or the United States of America, and there was no
13 cognizable felony. (Att. #15 and 16.1) The perpetrators and conspirators
14 don't even use the word “felony.”

15 5) The perpetrators and conspirators tried to create an injury to gain standing
16 by tying the FDIC into their plot but the FDIC says – robberies and other
17 causes of disappearing funds are not insured by the FDIC. (Att.# 36)

18 <https://www.fdic.gov/deposit/covered/notinsured.html>
19
20
21
22
23
24



ABOUT

RESOURCES

ANALYSIS

NEWS



Other situations not insured by the FDIC:

Safe Deposit Boxes - The contents of a safe deposit box are not insured by the FDIC. (Make sure you read the contract you signed with the bank when you rented the safe deposit box in the event that some other type of insurance is provided; some banks may make a very limited payment if the box or contents are damaged or destroyed, depending on the circumstances.) If you are concerned about the safety, or replacement, of items you have put in a safe deposit box, you may wish to consider purchasing fire and theft insurance. Usually such insurance is part of a homeowner's or tenant's insurance policy for a residence and its contents. Again, consult your insurance agent for more information.

In the event of a bank failure, in most cases an acquiring institution would take over the failed bank's offices, including locations with safe deposit boxes. If no acquirer can be found the FDIC would send boxholders instructions for removing the contents of their boxes.

Robberies and Other Thefts - Stolen funds may be covered by what's called a banker's blanket bond, which is a multi-purpose insurance policy a bank purchases to protect itself from fire, flood, earthquake, robbery, defalcation, embezzlement and other causes of disappearing funds. In any event, an occurrence such as a fire or bank robbery may result in a loss to the bank but should not result in a loss to the bank's customers.

Unauthorized access to your funds may be covered by the Electronic Funds Transfer Act and other consumer protections. If a third party somehow gains access to your account and transacts business you did not authorize, you must contact the bank as soon as you notice the loss to learn about their procedures for protecting your rights.

How to File a Complaint

If you have a problem or a concern with a deposit or investment, try to resolve your complaint directly with an officer of the bank or firm before involving an outside agency. Financial institutions value their customers and most will be helpful. If you are unable to resolve the matter with the financial institution, use the following guidelines to determine where to direct your complaint.

If your complaint is against a salesperson who represents a third-party investment firm, call the number below for instructions on where to write:

The Financial Industry Regulatory Authority (www.finra.org)
(formerly the National Association of Securities Dealers)
(301) 590-6500

If your complaint or inquiry is about a specific financial product or investment, contact:

Below are excerpts from perpetrator and conspirator Parker Still going on and on about a "bank robbery" and "stolen money -- neither of which occurred nor would be covered by the FDIC if they had occurred.

Cynthia F. Davidson Direct Examination of Parker Still, Trial Transcript, Volume I, P. 25-26, Line 24-25, 1-2

A All of a sudden, we have information that Buddy Gregg is going to turn it over or he is going to leave in this motor home. So, yeah, it was similar to a **bank robbery**. I grabbed Special Agent Jimmy Durand. We literally run towards the door."

1 Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial
2 Transcript Volume I, P. 57-58, Line 24-25; 1-3

3
4 A I think we're getting a little off track here. I mean, you know, **when an FBI**
5 **gets a call that a bank is getting robbed**, we don't sit there and say, "Hey, do you
6 know" – I mean, we don't ask a million questions. We go. That's what we did
7 today or did then."

8 Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial
9 Transcript Volume I, P. 64, Line 7-17

10
11 Q Okay. So on the 11th, you seized a motor home **which he had bought four**
12 **days prior** and paid cash for, but didn't grab the cash as well as part of the
13 evidence of a crime?

14
15 A No, ma'am. The – you know, you're getting into some legal stuff, you
16 know, whether you've got good faith purchasers and that kind of stuff. **We seized**
17 **the asset that was purchased with the stolen money**. **The victim bank, you**
18 **know – or USAA**, and I think this is Whitney Bank who is the correspondent
19 bank, who actually received the money, you know, that's – I mean, I don't think
20 that money has been seized. I know it hasn't. **That money has never been**
21 **seized.**"

22
23 Cynthia F. Davidson Direct Examination of Parker Still, Trial Transcript,
24 Volume I, P. 24-25, Line 24-25, 1-3

25
26 A We know he used funds to purchase a – **used stolen funds to purchase an**
27 **RV**. We don't know anything else about, you know, what his ultimate intent with
28 that. It's 45 feet. You know, you can imagine our – what, you know – the
29 possibilities are unlimited." (You see how this slickster inflamed the jury by
30 **hinting at terrorism?** If he had bothered to speak with and interview Mr. Beane
31 he would have known his exact intentions. He simply wanted to plant the idea of
32 terrorism in the mind of the jurors.)

33
34 Cynthia F. Davidson Direct Examination of Parker Still, Trial Transcript,
35 Volume I, P. 30, Line 22-24

36
37 Q Do you recognize those pictures?
38

1 A Yes. That is the motor home that was – that Mr. Beane was on the day that
2 was purchased with stolen money.”

3
4 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
5 **Transcript Volume I, P. 45, Line 12-18**

6
7 Q But let’s go into the probable cause. That day, do you believe that you had
8 probable cause that day to arrest Randy Keith Beane?

9
10 A Without a doubt, ma’am. He is sitting in a vehicle purchased with stolen
11 money with the vehicle running. You better believe I had probable cause. I saw it
12 with my own two eyes.”

13
14 Probable cause is determined by the court—not the officer.

15
16 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
17 **Transcript Volume I, P. 48-49, Line 20-25, 1**

18
19 Q what actual information had you received that there was actually a possible
20 crime committed by Mr. Beane to believe that the RV wasn’t his?

21
22 A The information primarily from what I’ve stated from USAA at the time.
23 That’s what we were relying on, that information from USAA that is telling us
24 that their money has been stolen.”

25
26 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
27 **Transcript Volume I, P. 53-54, Line 25, 1-6**

28
29 Q Okay. So at no other time prior to that had you actually tried to figure out
30 whether that money could possibly be Mr. Beane’s?

31
32 A We had information from USAA, ma’am, that we – credible, reliable
33 information from their financial investigators that this money was stolen. That’s
34 what we were working with at the time.”

35
36 All of their squawking about “stolen money,” in a case where there was no
37 charge of robbery or theft, did not change the fact that there was no FDIC claim or
38 coverage – and no injury or standing.

1 6) **No Valid Arrest Warrant** – the arrest warrant the perpetrators and
2 coconspirators used on July 11, 2017 was a South Carolina statewide
3 misdemeanor traffic related bench warrant that had been disposed of two
4 years earlier. It was not a valid warrant. The warrants issued by the US
5 district court for Eastern Tennessee on July 19, 2017 were fraudulent and
6 fictitious signed. They were not signed by the then clerk, Debra Poplin. The
7 signer, “A. Brush” appears not to exist.

8 7) **Lack of Subject Matter and Personal Jurisdiction** –
9

10 Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf challenged the
11 jurisdiction of the court. The court did not have jurisdiction to determine its
12 own jurisdiction. It did not have the power to act in the first place to have
13 the authority to decide the question.

14 8) **Denial of Due Process** –

15 When perpetrator and conspirator C. Clifford Shirley approved the
16 detention hearing waiver he failed to safeguard the legal process which
17 amounted to a denial of due process of law thereby depriving the court of
18 juris.

19 If jurisdiction does not exist there can be no valid judgment.

20 Perpetrators and coconspirators Thomas A. Varlan and C. Clifford Shirley
21 proceeded in excess of jurisdiction and they trespassed the law.

1 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were not arrested
2 – **they were kidnapped** – abducted! Kidnapping is a felony!

3 A judgment rendered by a court without personal jurisdiction over the
4 defendant is void. It is a nullity. Every judgment they made is a nullity.

5 Perpetrators and coconspirators Thomas A. Varlan and C. Clifford
6 Shirley clearly acted in a manner inconsistent with due process.

7 Perpetrators and coconspirators Thomas A. Varlan, Cynthia F.
8 Davidson and Ann-Marie Svolto all knew they did not have jurisdiction.
9 They moved to deny Mr. Beane and Mrs. Tucci:Jarraf the right to even
10 challenge jurisdiction. (Court Doc. 90, Att. #64.1, #64.2, #64.3)

11 Court Document 90 excerpt:

12 Accordingly, the Court hereby GRANTS the government's Motion in
13
14 Limine to Prohibit Jurisdictional Argument [Doc. 78]. It is therefore ORDERED
15 that the **defendants are prohibited from offering any evidence, testimony, or**
16 **argument at trial concerning the following subjects:**

- 17 • whether this Court has subject-matter jurisdiction over these
18 proceedings;
- 19 • whether the United States government is defaulted, has been foreclosed,
20 or is otherwise legally impaired; and
- 21 • whether the United States government has legal authority to bring a
22 prosecution of the defendants for the charged offenses. (Memorandum
23 Opinion and Order to the Government's Motion in Limine to Prohibit
24 Jurisdictional Argument, Doc. 90, P. 8, first paragraph) Att. #64.3
25
26

1 Perpetrator and coconspirator Thomas A. Varlan denied Randall-

2 Keith:Beane and Heather-Ann:Tucci:Jarraf the right to challenge jurisdiction.

3 This was not a rule of law court. It was a kangaroo court in which a plot and

4 conspiracy to falsely imprison Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf

5 was underway and each had to fulfill their role in the conspiracy. Make no mistake

6 about it, they all knew they did not have jurisdiction and that's why they moved to

7 cut off all argument regarding the matter. This was a network of corruption.

8 9) **Article III** -- **Section 2** (Att. #27)

9 The judicial power shall extend to...controversies to which the United

10 States shall be a party... (Att. #27)

11 Perpetrators and coconspirators Thomas A. Varlan and C. Clifford Shirley

12 weren't running an Article III court. It was a human trafficking court.

13 10) **18 U.S. Code § 3231** -

14 Perpetrators and coconspirators C. Clifford Shirley and Thomas A. Varlan

15 said their jurisdiction comes from congress and 18 USC § 3231. (Att. #24)

16 Congress cannot give power it does not have. Congress' power is finite as

17 enumerated in the constitution. If congress wants to do something beyond the

18 eighteen tasks enumerated in the constitution they must follow Article V and seek

19 to amend the constitution. This is how the law is made and changed.

1 There's no doubt they are fully aware congress' powers are limited by the
2 constitution to the following **eighteen tasks**:

- 3 • The Congress shall have power to lay and collect taxes, duties, imposts and
4 excises, to pay the debts and provide for the common defence and general
5 welfare of the United States; but all duties, imposts and excises shall be
6 uniform throughout the United States;
7
- 8 • To borrow money on the credit of the united states;
9
- 10 • To regulate commerce with foreign nations, and among the several states,
11 and with the Indian Tribes;
12
- 13 • To establish an uniform Rule of Naturalization, and uniform Laws on the
14 subject of Bankruptcies throughout the United States;
15
- 16 • To coin money, regulate the value thereof, and of foreign coin, and fix the
17 standard of weights and measures;
18
- 19 • To provide for the punishment of counterfeiting the securities and current
20 coin of the United States;
21
- 22 • To establish Post Offices and post roads;
23
- 24 • To promote the progress of science and useful arts, by securing for limited
25 times to authors and inventors the exclusive right to their respective writings
26 and discoveries;
27
- 28 • To constitute Tribunals inferior to the supreme court;
29
- 30 • To define and punish piracies and **felonies committed on the high seas**, and
31 offences against the Law of Nations;
32

- 1 • To declare war, grant letters of marque and reprisal, and make rules
2 concerning captures on land and water;
3
- 4 • To raise and support armies, but no appropriation of money to that use shall
5 be for a longer term than two years;
6
- 7 • To provide and maintain a navy;
8
- 9 • To make **rules for the government** and regulation of the land and naval
10 forces;
11
- 12 • To provide for calling forth the militia to execute the laws of the Union,
13 suppress insurrections and repel invasions;
14
- 15 • To provide for organizing, arming, and disciplining, the militia, and for
16 governing such part of them as may be employed in the Service of the
17 United States, reserving to the States respectively, the appointment of the
18 officers, and the authority of training the militia according to the discipline
19 prescribed by congress;
20
- 21 • To exercise exclusive Legislation in all cases whatsoever, over such district
22 (not exceeding ten miles square) as may, by cession of particular states, and
23 the acceptance of congress, become the seat of the government of the United
24 States, and to exercise like authority over all places purchased by the consent
25 of the legislature of the state in which the same shall be, for the erection of
26 forts, magazines, arsenals, dock-yards, and other needful buildings; and
27
- 28 • **To make all laws which shall be necessary and proper for carrying into**
29 **execution the foregoing powers**, and all other powers vested by this
30 constitution in the government of the United States, or in any department or
31 officer thereof. (Att. #28)

32 If perpetrators and coconspirators C. Clifford Shirley and Thomas A. Varlan

33 believe their “congressional jurisdiction” comes from task #9 (“To constitute

1 Tribunals inferior to the supreme court") they would be wrong. Task #9 involves
2 setting up Article I legislative courts with regard to carrying out the other 17 tasks.
3 The jurisdiction with which congress is invested is not a part of the judicial power
4 which is defined in Article III of the constitution. Constitutional courts exercise
5 the judicial power described in Art. III of the Constitution; legislative courts do
6 not.

7 Perpetrators and coconspirators C. Clifford Shirley and Thomas A. Varlan
8 did not get jurisdiction from 18 USC § 3231. "... Congress cannot by
9 authorization or ratification give the slightest effect to a state law or constitution
10 which is in conflict with the Constitution of the United States." (16Am Jur 2d.,
11 Sec. 258) "It is a proposition too plain to be contested, that the constitution
12 controls any legislative act repugnant to it; or, that the legislature may alter the
13 constitution by an ordinary act." (William Marbury v. James Madison, Secretary
14 of State of the United States, 5 U.S. 137, 1 Cranch 137, 2 L.Ed, 60 (1803)) "All
15 laws, rules and practices which are repugnant to the Constitution are null and void.
16 (Marbury v. Madison, 5th US (2 Cranch) 137, 180)

17 11) **1 US Code § 204 (Code and Supplements as Evidence of the Law –**
18 **1 U.S. Code § 112 (Statutes at Large; contents; admissibility in evidence –**
19 **(Att. #19 and 20)**
20

21 Corporations cannot create law so they create code. Code is not law. The
22 US Code is evidence of the law, it is not the law. US Code is a creation of the

1 corporate congress and applies under congresses task #14 (“To make rules for the
2 government...”) to those in positions of emolument and those who have acted
3 against the United States corporation.

4 According to U.S. v. Lee, “Where there is no jurisdiction, there can be no
5 discretion;” All the officers of the government, from the highest to the lowest, are
6 creatures of the law and are bound to obey it.... It is the only supreme power in our
7 system of government, and every man who, by accepting office participates in its
8 functions, is only the more strongly bound to submit to that supremacy, and to
9 observe the limitations which it imposes on the exercise of the authority which it
10 gives.” (U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171; 1882)

11 Perpetrators and coconspirators Cynthia F. Davidson, Anne-Marie Svolto, C.
12 Clifford Shirley and Thomas A. Varlan did not cite law in the indictment (Att.
13 #71.1-71.8), the fake arrest warrants (Att. #3 and #4), or the jurisdiction report and
14 recommendation (Court Doc. 62 filed 11/16/17).

15 1 USC § 204 tells us -- **Codes** and Supplements **as evidence of the laws of**
16 **United States.** 1 U.S. Code § 112. Statutes at Large; contents; admissibility in
17 evidence -- **“The United States Statutes at Large shall be legal evidence of**
18 **laws...”**

19 Evidence of a law is not the law. If there is a law saying perpetrators and
20 coconspirators Cynthia F. Davidson, Anne-Marie Svolto, Thomas A. Varlan, and

1 C. Clifford Shirley could do what they did to Randall-Keith:Beane and Heather-
2 Ann:Tucci:Jarraf they should have cited the actual law – not evidence of the law.
3 Evidence of the law is not the law.

4 12) Perpetrators and conspirators Thomas A. Varlan and C. Clifford Shirley had
5 no lawful reason to reject Mrs. Tucci:Jarraf's assertion that the corporate United
6 States does not exist and therefore there was no lawful authority for the
7 proceedings. They simply rejected the claim and proceeded to trespass the law.
8 The fact of the matter is even if they believed they had legitimate reason to reject
9 Mrs. Tucci:Jarraf's UCC filings, which they did not, they still violated the codes
10 and rules. The perpetrators and conspirators did not have subject matter or
11 personal jurisdiction no matter which way you look at it.

12 **XIV) (A) No Probable Cause – (B) Denial of Due Process – (C) Denial**
13 **of Detention Hearing**

14 **(A) No Probable Cause**

15 There was no probable cause hearing. There was no first-hand statement of
16 personal knowledge of any wrong doing. This is why they couldn't get an arrest
17 warrant until perpetrator and coconspirator Parker Still testified before the grand
18 jury. It was easier to get an indictment then to go before a magistrate or judge
19 knowing they did not have probable cause. In his grand jury and trial testimony
20 perpetrator and conspirator Parker Still had no first-hand knowledge of anything.

1 He makes it very clear he relied on USAA Bank, and he was simply repeating what
2 they had told him. Grand jury and trial excerpts:

3 Q ...the USAA fraud investigator has reviewed these extensively and
4 relayed all the information that you've previously testified about?

5
6 A Right. **I rely on it.**" (Grand Jury Transcript, P. 46, Line 3-6 – Att.
7 #29.5)

8
9 A **The information** primarily from what I've stated **from USAA at the**
10 **time. That's what we were relying on...** ((Heather-
11 Ann:Tucci:Jarraf Cross Examination of Parker Still Trial Transcript,
12 Volume I, P. 48, Line 23-24)

13
14 A **Have absolutely no reason to doubt, as I said earlier, anything**
15 **that Mr. Brown or USAA was relaying to us.**" ((Heather-
16 Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript,
17 Volume I, P. 51, line 23-25)

18
19 A **I was relying on information that I had from USAA.**" (Heather-
20 Ann:Tucci:Jarraf Cross Examination of Parker Still Trial Transcript,
21 Volume I, P. 61, Line 5-6)

22
23 A **I was relying on information that was provided to me.**" (Heather-
24 Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript,
25 Volume I, P. 66, Line 24-25)

26
27 Why didn't True Brown, the USAA fraud investigator/director whom

28 perpetrator and conspirator Parker Still relied on for "the story" testify before the
29 grand jury since he was the one with direct knowledge of the alleged "crime?" He
30 didn't testify because they were all lying through their teeth. He would have had to
31 explain how someone could use an account number altered by one digit to
32 successfully complete a transaction. He would have had to explain how someone

1 could access \$31 million from a “fictitious bank account.” The conspiracy
2 required the FBI and US attorney perpetrators and conspirators shield USAA
3 Bank, their employees, and their lies.

4 Rule 3.8(a) (Special Responsibilities of a Prosecutor of the Tennessee rules
5 of Professional Conduct) says: “The prosecutor in a criminal case shall refrain
6 from prosecuting a charge that the prosecutor knows is not supported by probable
7 cause.” FBI and US Attorney perpetrators and coconspirators made sure there was
8 no probable cause hearing. They violated due process of law.

9 **(B) Denial of Due Process**

10 Mr. Beane had the right to due process of law with notice and opportunity to
11 defend. He did not receive due process. FBI perpetrator and coconspirator Parker
12 Still said he had no reason to doubt the information provided by True Brown and
13 USAA Bank. (Att. #30.2) He said, “I rely on it.” (Att. #29.5) He saw no need to
14 do any fact-finding, or test the credibility and reliability of the evidence given to
15 him by True Brown and USAA Bank. The FBI and US Attorneys allowed USAA
16 Bank to create the doctored evidentiary record and they ran with it no questions
17 asked. Why? It was a plot and conspiracy.

18 By the due process clause, the common law governs what the law on arrest is
19 in this land. Due process is not determined by the legislature or the officer. There
20 can be no arrest without due process of law. An arrest without a warrant is

1 regarded as unlawful except when public security is at risk. It was said in Hale v.
2 Henkel that a man “is entitled to carry on his private business in his own way.
3 His power to contract is unlimited. He owes no duty to the State or to his
4 neighbors to divulge his business, or to open his doors to an investigation, so far
5 as it may tend to criminate him. He owes no such duty to the State, since he
6 receives nothing therefrom beyond the protection of his life and property. His
7 rights are such as existed by the law of the land long antecedent to the
8 organization of the State, and can only be taken from him by due process of law,
9 and in accordance with the Constitution. Among his rights are a refusal to
10 incriminate himself and the immunity of himself and his property from arrest
11 or seizure except under a warrant of the law. He owes nothing to the public so
12 long as he does not trespass upon their rights.” (Hale v. Henkel, 201 U.S. 43
13 (1906)) “The due process clause of the constitution protects Americans from
14 unlawful arrests.” (State v. Quinn, 97 S.E, 62, 64, (S.C. 1918) There was no
15 valid warrant issued by a court or magistrate to arrest Randall-Keith:Beane on July
16 11, 2017.

17 “Judgments entered where court lacked either subject matter or personal
18 jurisdiction, or that were otherwise entered in violation of due process of law, must
19 be set aside”, Jaffe and Asher v. Van Brunt, S.D.N.Y.1994. 158 F.R.D. 278.

20 (C) Denial of Detention Hearing

1 Randall-Keith:Beane was denied a detention hearing. According to 18 U.S.
2
3 Code § 3142, release or detention of a defendant pending trial:
4

5 **(e) DETENTION.— (1) If, after a hearing** pursuant to the provisions of
6 subsection (f) of this section, the judicial officer finds that no condition or
7 combination of conditions will reasonably assure the appearance of the person as
8 required and the safety of any other person and the community, such judicial
9 officer shall order the detention of the person before trial.

10 The perpetrators and coconspirators didn't allow Randall-Keith:Beane to
11 have a detention hearing because they knew they did not have lawful justification
12 for detaining him. It was always part of their plan to keep him jailed so that he
13 could not access information to defend himself.

14 On July 11, 2017 perpetrators and coconspirators Parker Still, Jimmy
15 Durand, Jason Pack, Joelle Vehec (The FBI), D.T. Harnett, FBI Task Force Office,
16 and Knoxville County Sheriff Deputy beat up, publicly humiliated, unlawfully
17 arrested, and detained Randall-Keith:Beane. They did not provide a prompt
18 judicial determination with regard to probable cause and detention.

19 Mr. Beane sat in jail for **17 DAYS** after the perpetrators and coconspirators
20 arrested him July 11, 2017 using a South Carolina statewide misdemeanor traffic
21 related bench warrant that had been disposed of two years earlier. On July 27,
22 2017 Mr. Beane signed, under duress, a temporary "waiver of detention hearing."

1 Mr. Beane had already been sitting in jail from July 11th to July 27th without ever
2 having seen a judge for a detention hearing or a probable cause hearing.

3 The jailers and Bobby Hutson, Jr. (Tennessee Public Defender appointed for
4 Randall-Keith:Beane by United States Magistrate Judge C. Clifford Shirley, Jr.)
5 forced Randall-Keith:Beane to sign a temporary “waiver of detention” to get
6 around the requirements of 18 U.S. Code § 3142. They were determined to never
7 release Mr. Beane so they violated section 3142 to keep him detained. The bottom
8 line is regardless of the “waiver,” either they had a lawful reason to detain Mr.
9 Beane or they didn’t. One cannot give consent for an unlawful deprivation of
10 liberty. This wasn’t an agreement to stay at the Trump Hotel, The Hilton or
11 Marriott. It was a jail! Only a brainless idiot would believe someone would agree
12 to stay in jail when they didn’t have to. Mr. Beane signed the temporary detention
13 waiver on July 27, 2017 (having been unlawfully jailed since July 11th – 17 days)
14 because they made it clear harm would come to him if he didn’t. Can you even
15 imagine the pressure they likely put on Mr. Beane to sign the detention waiver to
16 cover their backside? They would not have prevailed in a detention hearing. The
17 law would have forced them to release Mr. Beane. They had to get Mr. Beane to
18 sign that detention waiver and you can just imagine how they went about doing it.
19 Please keep in mind, they had already elbowed Mr. Beane in the head to the point
20 of bleeding (Att. #34.6, #34.7), pulled down his pants and made him stand

1 handcuffed in his underwear in the hot July Tennessee sun for 45 minutes to an
2 hour with onlookers gawking, twisted his arm, gave him a black eye, bruised his
3 body, and cut off his oxygen supply by strangulation until he cried out “I can’t
4 breathe.” (Att. #34.5, #34.6, #34.7) They couldn’t risk releasing Mr. Beane and
5 him discovering the conspiracy against himself and Heather-Ann:Tucci:Jarraf.
6 They couldn’t risk him having access to research. They couldn’t risk him finding
7 out the arrest warrants were fake – invalid – VOID! They had to use coercion to
8 get him to sign that detention waiver. (Att. #22)

9 Perpetrator and conspirator Bobby Hutson, Jr. was supposed to be
10 representing Mr. Beane but he was, in fact, part of the conspiracy plot to lock Mr.
11 Beane away for a very long time. Perpetrator and conspirator C. Clifford Shirley,
12 the magistrate judge, approved the waiver knowing it was a violation of due
13 process. He knew Mr. Beane signed the waiver under duress.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

3:17-CR-82

RANDALL KEITH BEANE

WAIVER OF DETENTION HEARING

I acknowledge that the Magistrate Judge has informed me of my right to a detention hearing, pursuant to the provisions of Title 18, United States Code, Section 3142, and that I understand that right.

I HEREBY WAIVE my right to a detention hearing.

I HEREBY WAIVE my right to a detention hearing in this district, and reserve the right to move for a detention hearing in the district where the charges originate.

X I HEREBY WAIVE my right to a detention hearing at this time, and reserve the right to move for detention hearing at a later date.

DEFENDANT

Date

COUNSEL FOR DEFENDANT or Deputy Clerk

APPROVED:

United States Magistrate Judge

Forcing Mr. Beane to sign a waiver of detention hearing was coercion as

defined in 22 U.S. Code § 7102 (3) “COERCION The term “coercion” means—(A) threats of serious harm to or physical restraint against any person; (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; “ (Att. #22)

Randall-Keith:Beane requested a hearing to dismiss the public defender, Mr. Hutson, and present himself. The hearing occurred August 29, 2017 before perpetrator and coconspirator C. Clifford Shirley, Jr. Mr. Beane had been detained

1 for approximately 48 days without a detention hearing. During that hearing Mr.
2 Hutson communicated Mr. Beane's desire for a detention hearing.

3 Hearing excerpt:

4 Proceedings Before C. Clifford Shirley, Jr., August 29, 2017 Document 40, P.
5 9, Line 11-14 (Att. #61.2)
6

7 **MR. HUTSON:** I understand, Your Honor. He is also potentially going to want to
8 request some type of detention hearing or update.

9
10 **THE COURT:** We can't get started, we can't get to that.

11 Perpetrator and coconspirator C. Clifford Shirley's response was "we can't
12 get to that." He had detained Mr. Beane for approximately **48 days** at that point
13 but he couldn't get to that? He didn't want to get to it because he had no intention
14 of releasing Mr. Beane. Perpetrator and conspirator C. Clifford Shirley knew he
15 was violating due process by unlawfully detaining Mr. Beane and he did it anyway.
16 He could have said we'll schedule it at the end of this hearing but he didn't want to
17 do that because he had no intention of allowing Mr. Beane to have a detention
18 hearing. He knew he would have to release Mr. Beane if they had a detention
19 hearing because he had no lawful reason for detaining him. Perpetrator and
20 conspirator C. Clifford Shirley violated due process by denying Randall-
21 Keith:Beane a detention hearing. He knowingly continued to unlawfully detain
22 Mr. Beane.

1 Rule 8 of the Tennessee rules of Professional Conduct states, "...a lawyer
2 zealously asserts the client's position." Not Bobby Hutson, Jr. He **pretended** to
3 represent Mr. Beane. He was, in fact, Mr. Beane's enemy.

4 Rule 3.8(c) (Special Responsibilities of a Prosecutor) states – "The
5 prosecutor in a criminal case shall not advise an unrepresented accused to waive
6 important pretrial rights." To make sure Mr. Beane was not "unrepresented,"
7 Bobby Hutson, Jr. was moved into position and forced upon Mr. Beane to make it
8 look on paper like Mr. Beane was represented when, in reality, perpetrator and
9 conspirator, Bobby Hutson, Jr. was working for Mr. Beane's enemies. No
10 competent, ethical, honest attorney-at-law would allow his client to waive a
11 detention hearing.

12 Perpetrator and conspirator Bobby Hutson participated in forcing Mr. Beane
13 to sign the detention hearing waiver. Perpetrators and coconspirators Cynthia
14 Davidson, Anne-Marie Svolto (prosecutors), Thomas A Varlan and C. Clifford
15 Shirley (US District Judges) were right there playing their role in the conspiracy.
16 Perpetrator and conspirator C. Clifford Shirley actually approved the waiver. They
17 all collectively gave the finger to due process and the law of the land – the
18 Constitution.

19 The Code of Conduct for United States Judges says: "(A) *Respect for Law*.
20 A judge should respect **and comply with the law** and should act at all times in a

1 manner that promotes public confidence in the integrity and impartiality of the
2 judiciary.” Perpetrator and coconspirators Thomas A. Varlan and C. Clifford
3 Shirley did not show respect for the law and certainly did not comply with the law.

4 **LAW OF THE LAND.** Due process of law (*q. v.*). By the law of
5 the land is most clearly intended the general law which hears before it condemns,
6 which proceeds upon inquiry, and renders judgment only after trial. Dupuy v.
7 Tedora, 204 La. 560, 15 So.2d 886, 891. The meaning is that every citizen shall
8 hold his life, liberty, property, and immunities under the protection of general rules
9 which govern society. Rich Hill Coal Co. v. Bra-Estate, 30 Cal.App.2d 525, 86
10 P.2d 883, 885. **Everything which may pass under the form of an enactment**
11 **is not the law of the land.** Sedg.St. & Const.Law, (2d Ed.) 475. (Black’s Law
12 Dictionary, 4th Edition, P. 1031-1032)

13 **XV) (A) Prosecutorial Misconduct (Improper and Illegal Acts to**
14 **Wrongly Persuade the Grand Jury and Trial Jury to Indict and Convict) (B)**
15 **Fraud Upon the Court – (C) Wrongful Selective Prosecution**

16
17 **(A) Prosecutorial Misconduct**

18
19 Perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto
20 engaged in illegal and unlawful acts to persuade the jury to wrongly indict and
21 convict Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. They offered the jury
22 materially false, fictitious, and fraudulent information, statements, and
23 representations starting with misleading the trial jury by pretending to be

prosecutors when they actually appeared “For the Plaintiff” – United States of America Corporation. (Att. #30.1) Also, for example:

- 1) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto misled the grand jury and trial jury to believe Randall-Keith:Beane used an account number other than his social security account number to access his treasury direct depository account.
- 2) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto encouraged witnesses to lie about Randall-Keith:Beane’s social security account number.
- 3) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto lied to the grand jury and trial jury about the South Carolina statewide traffic related bench warrant. They concealed the fact it was NOT an active warrant and it was NOT a national or international warrant. (Att.#1.2 and #2.1)
- 4) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto were aware of the creation of fraudulent Tennessee district court arrest warrants with a fictitious signature. (Att. #3 and #4)
- 5) Perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto misled the grand jury and trial jury about the legal definition of “money laundering,” “affect interstate commerce,” and “fraud.”
- 6) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto misled the grand jury and trial jury about the injury Randall-Keith:Beane sustained at the vicious hands of other perpetrators and conspirators calling a bleeding cut on the head a scratch. There is a big difference between the two.
- 7) Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto were aware there was no probable cause hearing and no detention hearing. Perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto failed to act when they learned about no probable cause hearing and the detention hearing waiver. Rule 8 of the Tennessee Rules of Professional Conduct, specifically Rule 3.8 (Special Responsibilities of a

1 Prosecutor) makes it clear (a) shall refrain from prosecuting a charge that the
2 prosecutor knows is not supported by probable cause; (c) shall not advise an
3 unrepresented accused to waive important pretrial rights.”
4

5 Randall-Keith:Beane was aware Bobby Hutson, Jr. was not appointed
6 to represent Mr. Beane’s interests and that is why he had Mr. Hutson
7 removed from the case during a proceeding before C. Clifford Shirley –
8 “Mr. Beane asked the Court to remove counsel from his case. He asserts that
9 he does not have confidence in the legal advice provided by myself, and that
10 he does not feel that I am effectively representing him in this proceeding.”
11 (Proceedings Before C. Clifford Shirley, Jr., August 29, 2017, Doc. 40, P. 3,
12 Line 3-7) Perpetrator and conspirator Bobby Hutson, Jr. had Mr. Beane sign
13 a detention hearing waiver under duress and they all knew it. Of course he
14 was not vigorously representing Mr. Beane. He was playing his role in the
15 conspiracy.
16

- 17 8) Perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto
18 failed to act when the following statements were made to the grand jury and
19 trial jury:
20

21 “We have subsequently learned that possibly, again, speculating, that
22 that comment meant, “**Military Operations,” to try to remove Mr. Beane**
23 **from the Knox County Detention Center**. That’s what, again, what I
24 deduct.” (Grand Jury Transcript, P. 56-57, Line 25; 1-3)
25

26 Who was Heather-Ann:Tucci:Jarraf going to command break Randall—
27 Keith: Beane out of jail? The Marines? Seal Team? Rangers? Night
28 Stalkers? Green Berets? Perpetrator and conspirator Parker Still has military
29 JAG experience so he knew Mrs. Tucci:Jarraf was not planning a military
30 operation to remove Mr. Beane from jail.
31

32 **Heather-Ann:Tucci:Jarraf Cross-Examination of Parker Still, Trial**
33 **Transcript, Volume I, P. 39, Line 11-15**
34

35 Q Okay. So, Mr. Still, you stated that you've been with the FBI for five and a
36 half years and that seven and a half years with private attorney and military
37 JAG?
38

39 A That's correct, yes, ma'am. All approximately, yes, ma'am.
40

1 In furtherance of the conspiracy perpetrator and conspirator Parker Still
2 painted Heather-Ann:Tucci:Jarraf as a criminal planning a jail break and
3 perpetrator and coconspirators Cynthia F. Davidson and Anne-Marie Svolto
4 allowed the deceptive dishonest prejudicial statement as part of their plot.

5 9) **Cynthia F. Davidson Direct Examination of Parker Still, Trial**
6 **Transcript, Volume I, P. 26, Line 1**

7
8 "So, yeah, it was similar to a **bank robbery**." (Parker Still, Trial
9 Transcript, Volume I, P. 26, Line 1)

10
11 There was no bank robbery charge. This was one of many calculated statements
12 meant to mislead and deceive the jury.

13
14 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
15 **Transcript Volume I, P. 58, Line 4-7, 12**

16
17 Q When a bank gets robbed, do you usually have a bank robber
18 and a banker and a gun or some kind of weapon and cash? **You're**
19 **talking about, per Ms. Svolto's opening statement, that he was**
20 **robbing a bank?**

21
22 A Yes, ma'am.

23
24 Now we know why perpetrator and coconspirator Thomas A. Varlan didn't
25 allow the opening and closing statements to be transcribed. Perpetrator and
26 coconspirator Anne-Marie Svolto told the jury Randall-Keith:Beane robbed a bank
27 in her opening statement. There was no robbery charge.

28
29 10) Perpetrators and coconspirators told the trial jury Randall-
30 Keith:Beane stole a motor home. The truth is Mr. Beane was handed the
31 keys upon completion of a legal and lawful purchase.

32 To justify why perpetrator and coconspirator Parker Still seized (stole)
33 private property without a seizure warrant, he said this -- "**...the keys are going to**
34 **be turned over to him at Buddy Gregg, we had to react.** (Parker Still Trial
35 Testimony, Volume I, P. 62, Line 22-23) In other words, perpetrator and

1 conspirator Parker Still wanted to illegally and unlawfully seize the motorhome
2 BEFORE Mr. Beane could take possession of it. He went on to say Mr. Beane had
3 – “**Stolen motor home**” when in reality it was perpetrator and coconspirator
4 Parker Still who stole the motor home. He did not have a search and seizure
5 warrant. (Parker Still Trial Testimony, Volume I, P. 63, Line 25)
6

7 The keys were given to Mr. Beane because he made a legal and lawful
8 purchase. He did not steal a motorhome. There was no charge for a stolen
9 motorhome. Did perpetrator and coconspirators Cynthia F. Davidson and Anne-
10 Marie Svolto correct the record for the jury? No.
11

12 11) Perpetrator and coconspirators Parker Still, Cynthia F. Davidson, and
13 Anne-Marie Svolto misrepresented to the grand jury and trial jury the role of
14 the FDIC. They implied the FDIC had something to do with the case when
15 it did not. There was no FDIC claim filed for loss. The FDIC does not
16 handle money loss due to robbery and other theft. Sean O'Malley of the NY
17 Federal Reserve Bank testified, “there was no loss to the U.S. government.”
18 (Att. #33.2)
19

20 12) Perpetrator and conspirator Sean O'Malley misrepresented to the trial
21 jury that the New York Federal Reserve Bank is part of the United States
22 government and perpetrator and coconspirators Cynthia F. Davidson and
23 Anne-Marie Svolto did not correct the record for the jury. They allowed
24 him to attach the New York Federal Reserve bank criminal enterprise to the
25 people's Republic government to give it credibility it does not deserve.
26

27 Excerpt from the trial transcript:

28 **Heather-Ann:Tucci:Jarraf Cross Examination of Sean O'Malley, Trial**
29 **Transcript VOLUME 3, Pg.220, Line 10-18**
30

31 A -- looking at, the way I look at the Federal Reserve, **it's an instrumentality**
32 **of the United States created by Congress. So it's owned by the people of the**
33 **United States.** That's my understanding of how the Federal Reserve is, even the
34 reserve banks. There are shareholders. The banks have reserves there and then
35 they're shareholders. **But it's not as you are trying to equate that this is like a**
36 **private bank in any sort of way. It's not a private bank. It's a public**
37 **institution.**

1 In Lewis vs. U.S., the Court of Appeals, Ninth Circuit, examined the
2 organization and function of the Federal Reserve Banks and they concluded
3 “Reserve Banks are not federal instrumentalities for purposes of the FTCA, but **are**
4 **independent, privately owned and locally controlled corporations.**” (Lewis vs.
5 U.S., 680 F. 2d 1239, 1241) Perpetrator and coconspirator Sean O’Malley knew
6 he was lying to the jury and gallery.
7

8 According to 12 U.S. Code § 341. General enumeration of powers, “Upon
9 the filing of the organization certificate with the Comptroller of
10 the Currency **a Federal reserve bank shall become a body corporate...**”
11

12 **DEFINITION**

13
14 **BODY CORPORATE.** A corporation public or private. (Black’s Law
15 Dictionary, 4th Edition, P. 222)
16

17 **Public and private.** A public corporation is one created by the state for
18 political purposes and to act as an agency in the administration of civil
19 government, (Black’s Law Dictionary, 4th Edition, P. 409)
20

21 **Private corporations** are those founded by and composed of private individuals,
22 for private purposes, as distinguished from governmental purposes, and having no
23 political or governmental franchises or duties. (Black’s Law Dictionary, 4th
24 Edition, P. 409-410)
25

26 There’s no doubt Federal Reserve banks are private corporations. Federal
27 Reserve banks are not government entities or instrumentalities. It is a private
28 entity whose sole mission has been to enslave mankind. They achieved this by
29 replacing lawful money (gold and silver) with fiat money – “funds.”
30

31 13) They misled the jury with jury instructions

32 UNITED STATES’S REQUESTED JURY INSTRUCTIONS

33 Instruction number 3:

34 “It is not necessary that the government prove all of the details alleged
35 concerning the precise nature and purpose of the scheme **or** that the material
36 transmitted by wire, radio **or** television communications was itself false **or**
37 fraudulent **or that the alleged scheme actually succeeded in defrauding anyone or**

1 that the use of the wire, radio or television communications was intended as the
2 specific or exclusive means of accomplishing the alleged fraud or that someone
3 relied on the misrepresentation or false statement or that the defendant obtained
4 money or property for his own benefit.”

5 Well if the prosecutors didn’t have to prove any of these things what did
6 they have to prove? If they did not have to prove that anyone was actually
7 defrauded then THERE WAS NO FRAUD!

8 Toward the end of trial transcript volume V the judge went over jury
9 instructions. He referenced a document that was 50+ pages. Four charges and 50+
10 pages of jury instructions? That’s a lot. Was the intention to make sure the jury
11 didn’t read them? They charged four sections of the US Code.

12 A) §1343. Fraud by wire, radio, or television -- Whoever, having devised or
13 intending to devise any scheme or artifice to defraud... The question in
14 this charge for the jury should have been –
15

- 16 • Did the prosecution’s evidence show beyond a reasonable doubt that
17 Randall-Keith:Beane intended to devise any scheme or artifice to
18 defraud with criminal intent? That’s the jury instruction. It’s
19 already inside the code charged.

20 ARTIFICE. An ingenious contrivance...trick or fraud. (Black’s Law
21 Dictionary, 4th Edition, P. 145)
22

23 B) §1344. Bank fraud -- Whoever knowingly executes, or attempts to
24 execute, a scheme or artifice-(1) to defraud a financial institution...
25

- 26 • An honest jury instruction – Did the prosecution’s evidence show
27 beyond a reasonable doubt that Randall-Keith:Beane knowingly
28 executed, or attempted to execute a scheme or artifice with criminal
29 intent?
30

31 C) §1956. Laundering of monetary instruments -- (a)(1) Whoever, knowing
32 that the property involved in a financial transaction represents the proceeds
33 of some form of unlawful activity, conducts or attempts to conduct such a
34 financial transaction which in fact involves the proceeds of specified

1 unlawful activity- (A)(i) with the intent to promote the carrying on of
2 specified unlawful activity; --

- 3
4 • An honest jury instruction – Did the prosecution’s evidence show
5 beyond a reasonable doubt that Randall-Keith:Beane and Heather-
6 Ann:Tucci:Jarraf:

7
8 (1) know the property involved in the financial transaction
9 represented the proceeds of some form of unlawful activity and yet
10 they proceeded with criminal intent?

11 (2) conducted or attempted to conduct the financial transaction
12 with criminal intent knowing it involved the proceeds of unlawful
13 activity?

14
15 (1) Had the intent to carry out a specified unlawful activity?

16
17 D) §1957. Engaging in monetary transactions in property derived from
18 specified unlawful activity -- Whoever, in any of the circumstances set
19 forth in subsection (d), knowingly engages or attempts to engage in a
20 monetary transaction in criminally derived property of a value greater than
21 \$10,000 and is derived from specified unlawful activity ...

- 22
23 • An honest jury instruction – (1) Did the prosecution’s evidence
24 show beyond a reasonable doubt that Randall-Keith:Beane and
25 Heather-Ann:Tucci:Jarraf knowingly engaged or attempted to engage
26 in a monetary transaction in criminally derived property with
27 criminal intent? (2) Did the prosecution’s evidence show beyond a
28 reasonable doubt that the property was derived from unlawful activity
29 with the intent to commit a crime?

30
31 The jury instruction is inside the code charged. There’s no need to make it
32 any more complicated than that unless you’re up to no good. When you take what
33 should be five to ten pages of jury instructions, which should include legal
34 definitions of the key words and procedural requirements, and turn it into 50-100
35 pages you are DEFINITELY up to no good.

36 At no time during the grand jury hearing or trial did the perpetrators and
37 conspirators state that Mr. Beane accessing his treasury direct depository account
38 was unlawful activity. What they did was tell a BIG FAT LIE that he altered his

1 social security account number by one digit to make it seem as if he had accessed
2 someone else's account. They flat out lied to the grand jury and trial jury.

3 There's nothing in any of the charges about "good faith" and yet
4 perpetrator and coconspirator Thomas A. Varlan took it upon himself to put it in
5 the jury instructions. Why? Good faith is a totally different standard and has a
6 negative undertone. Good faith is a uniform commercial code standard. Good
7 faith is a very different standard than mens rea which means- "guilty mind,"
8 "knowing," "intending," "intended," "knowingly."

9 Why would Randall-Keith:Beane's elbow counsel, Stephen G. McGrath,
10 push for a "good faith" defense instruction rather than a mens rea defense
11 instruction? He wasn't vigorously advocating for Mr. Beane's best interest. They
12 each played their role in the conspiracy to reach the ultimate goal of conviction and
13 imprisonment.

14 Trial excerpt:

15 **Trial Transcript, Volume V, P. 282, Line 15-20**

16
17 **MS. DAVIDSON:** And, Your Honor, we object to the **good-faith defense**. The
18 defendant has not asked for it. I'm not sure that it's applicable in this case.

19
20 **THE COURT:** All right. What page – what page is that?

21
22 **MS. DAVIDSON:** That's on page 34

23
24 **Trial Transcript, Volume V, P. 284-285, Line 2-25, 1**

25 **THE COURT:** Mr. Beane, I'll ask you if you have any comment to the jury's --
26 I'm sorry -- to the government's request not to include the good-faith defense. This
27 only relates to the fraud, which is only the counts directed to you in the Indictment.
28 So looking at page 34, do you have a response to the government's request or
29 objection not to include the **good-faith defense** charge?

30
31 **MR. MC GRATH:** May I have just a moment with Mr. Beane?

32
33 **THE COURT:** Yes.

1 **MR. MC GRATH:** Thank you, Judge. (A discussion was had off the record
2 between Defendant Beane and his counsel.)

3
4 **MR. MC GRATH:** I appreciate the Court's and everyone's patience. Looking
5 over it, we'll have a chance to go over this again to see if he wants to change his
6 mind about any additions, changes or comments.

7
8 **THE COURT:** All right. So, I guess, you mean to the charge -- right now I'm only
9 asking about page 34.

10
11 **MR. MC GRATH:** Oh, yeah, yeah. I just wanted to look that over real quick.

12 **Trial Transcript, Volume V, P. 290, Line 1-5, 11-20**

13 **THE COURT:** Mr. Beane, subject to any -- subject to your response to the
14 government's objection as to including a **good-faith defense**, are there any other
15 objections or comments from you as a defendant to any other aspects of the jury
16 charge?

17 **MR. MC GRATH:** Yes. Page 34 and 35, the fraud and the good-faith defense,
18 there would be an objection. I think that's -- my client believes that is needed in
19 there. He's spoken to his intent as a possible defense and discusses that as an
20 element that's been a factor that we've been discussing or that Mr. Beane, I should
21 say, has been discussing throughout this trial. **I believe that the good-faith**
22 **defense of fraud is something that needs to stay in to the jury instructions.**

23 **DEFINITIONS**

24 **Uniform Commercial Code (UCC) § 1-304. Obligation of Good Faith.**

25 Every contract or duty within the Uniform Commercial Code imposes an
26 obligation of good faith in its performance and enforcement.

27 **GOOD FAITH** – An honest intention to abstain from taking any
28 unconscientious advantage of another...” (Black’s Law Dictionary, 4th Edition, P.
29 822)

30 **MENS REA.** A guilty mind; a guilty or wrongful purpose; a criminal intent.
31 Guilty knowledge and willfulness. United States v. Greenbaum, C.C.A.N.J., 138
32 F.2d 437, 438. (Black’s Law Dictionary, 4th Edition, P. 1137)

§1343, §1344, §1956, and §1957 all have to do with **criminal intent** or **mens rea**, and yet the judge and Mr. Beane's elbow counsel are discussing "good faith." The good faith jury instruction seems to have been planned and coordinated. It was calculated. It was important to perpetrators and coconspirators Thomas A. Varlan and Stephen G. McGrath (Randall-Keith:Beane's elbow counsel) to put "good faith" in the jury instructions. Why? Was perpetrator Thomas A. Varlan actually operating under admiralty/commercial/contract law? The uniform commercial code (UCC) has been the law of the land for courts for a long time. They rarely if ever operate constitutional Article III courts even though they know that is what they are supposed to be doing. It's bait and switch. It's judicial fraud. Judges make you think you're in a constitutional court when you're not. Judges and prosecutors throw around the word constitution a few times and will even refer to and cite sections of the constitution in their reports, motions and "orders" to make folks believe that's what's going on but behind the scene the trap is set for the judge and prosecutor to deceive.

Here are some examples where the constitution was mentioned. Trial excerpt:

Thomas A. Varlan speaking to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf, Trial Transcript, Volume II, P. 196, Line 14-17

...and I'm talking to you individually -- but your, Ms. Tucci:Jarraf, and your, Mr. Beane, **constitutional rights** to testify or not testify in a criminal trial as you see fit.

Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial Transcript, Volume I, P. 44, Line 1-2; 4-5

Q So you do whatever you need to protect a victim as well as the assets, if possible?

A Within the boundary of the United States **Constitution**."

Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial Transcript, Volume I, P. 44-45, Line 24-25, 1-4

1 A—No, ma'am. I can't do any actions. I am bound by, you know, rules and
2 regulations. And you did – you said a lot of them that we are bound by, the
3 United States Constitution, the FBI internal rules, Department of Justice, big
4 umbrella, you know, that we fall under. State of Tennessee, you know, I mean,
5 there's a lot of rules and regulations out there.”

6
7 If the perpetrators and conspirators followed the “big umbrella” of rules and
8 laws they are bound by Mr. Beane and Mrs. Tucci:Jarraf would not be in prison
9 today. The Constitution is the Law of the Land and the Law of the Land is due
10 process. The perpetrators and conspirators completely skipped due process
11 because this was a targeted prosecution that had absolutely nothing to do with the
12 rule of law.

13
14 14) They misled the jury about the license requirement regarding being a
15 lawyer. Perpetrators and coconspirators Parker Still and Cynthia Davidson
16 made a real stink about Heather-Ann:Tucci:Jarraf not having an attorney
17 license when they don't have a license either. They have a membership card
18 – a BAR card. They are members of a BAR association with foreign ties.
19 These perpetrators said anything they could think of to mislead the grand
20 jury and trial jury to make Heather-Anne:Tucci:Jarraf appear as if she had a
21 history of breaking the law.

22
23 15) Perpetrator and conspirator Cynthia F. Davidson, during her cross-
24 examination of Heather-Ann:Tucci:Jarraf, asked the following:

25 Cynthia F. Davidson Cross-examination of Heather Ann Tucci:Jarraf, Trial
26 Transcript Volume VI, P. 63-64, Line 22-23; 4-13 (Att. #80.2 and #80.3)

27 Q And you've seen this Black's Law Dictionary?

28
29 A I'm familiar with Black's Law.

30 Q Okay. And so you know that there is absolutely no difference between the
31 definition of attorney and lawyer, don't you?

32
33 A Actually, in Bouvier's Dictionary, which is the law book or the law
34 dictionary that at least the judges I worked with at the federal and state levels,
35 that's the one they use. It was Bouvier's. Black's Law, that's what we used in law
36 school.

1 Q Okay. And so you know there's no difference between attorney and lawyer?

2
3 Perpetrator and conspirator Cynthia F. Davidson was again leading the jury
4 to believe Mrs. Tucci:Jarraf had done something wrong by being a lawyer for the
5 Randall Keith Beane Factualized Trust. She wanted the jury to believe a lawyer/
6 attorney must have a BAR card membership (which she called a license to further
7 confuse the jury) when only an attorney-at-law/officer of the court must have a
8 BAR card membership. A BAR card membership is for attorneys-at-law/officers
9 of the court – NOT lawyers/attorneys.

10
11 We know perpetrator and conspirator Cynthia F. Davidson knows the
12 difference between an “attorney/lawyer” and an “attorney-at-law/officer of the
13 court” because she whipped out her handy-dandy Black’s Law Dictionary. (Att.
14 #80.2) Presumably, she read it - ‘when used with reference to the proceedings
15 of courts, or the transaction of business in the courts, the term “attorney”
16 always means “attorney at law.”’ (Att. #9.5)

17
18 Perpetrator and coconspirator Cynthia F. Davidson’s question regarding no
19 difference between an attorney and a lawyer was intentionally deceitful. She
20 knows attorney/lawyer is used interchangeably but attorney-at-law/officer of the
21 court has a different meaning. Mrs. Tucci:Jarraf did not say she was an officer of
22 the court. The BAR card is required to be admitted by a court to practice law in a
23 courtroom. It is not required to draft legal documents as Mrs. Tucci:Jarraf did with
24 the Randall Keith Beane Factualized Trust. (Definitions - Att. #9.5, #9.6, #81.2,
25 #81.3, #82.1, #82.2)

26
27 16) Perpetrator and conspirator Cynthia Davidson misled the trial jury
28 into believing if a word is not in her dictionary it doesn’t exist:

29 **Cynthia F. Davidson Cross-Examination of Heather Ann Tucci:Jarraf, Trial**
30 **Transcript, Volume 6, page 86, line 4-9**

31 Q Okay. So what's preterea and praeterea?

32
33 A Praeterea preterea.

34
35 Q Yes. What's that?

36
37 A That means in hereafter. It's Latin.

1 Q Okay. But it's nowhere in Black's Law Dictionary, is it?

2
3 Perpetrator and conspirator Cynthia Davidson didn't want to know "what's
4 preterea and praeterea?" If she wanted the answer to that question she would have
5 researched it beforehand. What perpetrator and conspirator Cynthia Davidson
6 wanted was for the jury to believe Mrs. Tucci:Jarraf was dishonest and making
7 things up. According to perpetrator Cynthia Davidson's argument to the jury
8 praeterea preterea does not exist because it's not in Black's Law Dictionary.
9 Cynthia Davidson knows she will find praeterea preterea in a Latin dictionary (Att.
10 #85), but that wasn't her goal. Her goal was to willfully and intentionally deceive
11 the jury. The purpose behind making Mrs. Tucci:Jarraf appear to be making things
12 up was a set-up for perpetrator and conspirator Cynthia Davidson's
13 "gobbledygook" comment to delegitimize Mrs. Tucci:Jarraf's UCC filings.

14 17) Perpetrator and conspirator Cynthia Davidson misled the trial jury
15 about Mrs. Tucci:Jarraf's Uniform Commercial Code filings.

16 Cynthia F. Davidson Cross-Examination of Heather Ann Tucci:Jarraf, Trial
17 transcript, Volume 6, page 86, line 22-23

18 **"And so these documents are basically just a bunch of gobbledygook."**

19 This comment was designed to disparage the UCC documents. The fact is
20 perpetrator and conspirator Cynthia F. Davidson had an obligation to understand
21 that "gobbledygook" or hire an expert who did understand it. She's certainly not
22 getting paid to prance around showing off her extensive vocabulary. So why did
23 she make the condescending comment before the jury and gallery? She made that
24 comment because she knew the UCC filings are legitimate and she had to discredit
25 them in order to move forward with the conspiracy.

26 Perpetrator and conspirator Cynthia F. Davidson knew how to hire an expert
27 if she wanted to. Court document 79 excerpt:

28 **"Zachary Scrима of the Federal Bureau of Investigation (FBI) will testify as**
29 **an expert at trial.** Forensic Accountant Scrима is a Certified Public Accountant
30 and has been employed with the FBI since 2010. Forensic Accountant Scrима's
31 resume is attached to this notice." (United States of America's Notice of Expert
32 Witness Testimony, Document 79, Filed 01/05/18)

1 If perpetrator and conspirator Cynthia F. Davidson could present an
2 accountant “expert” to lie about Mr. Beane altering his social security account
3 number – she could have presented a UCC expert to support her statement that the
4 UCC filings are “gobbledygook.” But she wasn’t after the truth now was she? She
5 already knew the truth. She was plotting and scheming to fulfill the conspiracy.

6 18) The perpetrators and coconspirators misled the grand jury and trial
7 jury into believing Randall-Keith:Beane had stolen a RV. They presented
8 absolutely no evidence to support that allegation. In fact, they presented
9 evidence to the contrary:

10 **Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker**
11 **Still – Trial Transcript, Volume I, Pg. 62, Line 22** (Att. #30.3)

12 “...-- the keys are going to be turned over to him...”

13 The motorhome certainly was not stolen given the keys were handed to
14 Randall-Keith:Beane on Friday July 7, 2017 and the FBI thugs waited until
15 Tuesday, July 11, 2017 to ambush Randall-Keith:Beane at Buddy Gregg RVs &
16 Motor Homes when Mr. Beane went in to pick up the motorhome.

17
18 B) **Fraud Upon Court**

19 The judge, prosecutors, investigators, and some witnesses conspired to lie to
20 those in the jury box and the people sitting in the gallery watching the trial. The
21 prosecutors and witnesses deliberately engaged in a deception which went to the
22 heart of their claim that Randall-Keith:Beane altered his social security account
23 number by one digit. Perpetrator and coconspirator Cynthia F. Davidson continued
24 the deception in her direct examination of USAA Bank fraud investigator Monica
25 Alcala appearing to coax Ms. Alcala into lying under oath and omitting material
26 information. Trial excerpt:

1 **Cynthia F. Davidson Direct Examination of Monica Alcala (USAA Bank**
2 **Fraud Investigator) Trial Transcript, Volume I, Jan. 23, 2018, Pg. 129, Line 9-**
3 **15**

4 A The account number was Randall Beane's Social Security number.

5 Q **So his actual – his actual Social Security number?**

6 A **Yes.**

7 Q So Federal Reserve routing number **and then his actual Social**
8 **Security number** on July 3rd?

9 A **Correct.**"

10 **Cynthia F. Davidson Direct Examination of Monica Alcala (USAA Bank**
11 **Fraud Investigator) Trial Transcript, Volume II, Jan. 24, 2018, P 8, Line 1-3**

12 Q And what number did he add to the external system?

13 A The routing number was a Federal Reserve routing number and **the**
14 **account number was his Social Security number.**"

15 It looks like Ms. Alcala may have gotten a talkin' to because she changed
16 her testimony from the truth to the lie. See below.

17 **Cynthia F. Davidson Direct Examination of Monica Alcala (USAA Bank**
18 **Fraud Investigator) Trial Transcript, Volume II, Jan. 24, 2018, P. 23, line 8-18**

19 Q Okay. And the account number in this case, **and I didn't put it in**
20 **front of you, so you weren't a hundred percent sure,** but is it 244391135?

21 A Yes.

22 Q And that's Randall Beane's Social Security number, only his Social
23 Security is 243?

24 A Yes.

25 Q Right?

1 A Correct.

2 Q 243 instead of 244?

3 A Correct.”

4 **Cynthia F. Davidson Direct Examination of Monica Alcala (USAA Bank**
5 **Fraud Investigator) Trial Transcript, Volume II, Jan. 24, 2018, P. 25, Line 14-**
6 **16**

7 Q And what is the funding number -- I mean, I'm sorry, the funding account
8 number?

9
10 A It's 244XXXXXX.

11 What a coincidence! It's a miracle! The funding account number is just one
12 digit different than Mr. Beane's social security account number. And what's
13 amazing is the perpetrators say Mr. Beane was able to figure out to move the third
14 digit of his social security account number up one digit to access the funding
15 account number. Really?

16 Zach Scrima, the FBI forensic account had a slightly different tale to tell.
17 Perpetrator and coconspirator Zach Scrima understands numbers and accounts.
18 There's little doubt if someone made the below statements to him he would laugh
19 them out of his office.

20 Perpetrator and coconspirator Zach Scrima testified for Mr. Beane to transfer
21 digits from his treasury direct depository account to his USAA Bank personal
22 account Randall-Keith:Beane used his social security account number with “one
23 digit off” (244). But to pay bills out of that same treasury direct depository
24 account, Zach Scrima says Randall-Keith:Beane used his real social security
25 account number (243).

26 Trial excerpts:

27 **Cynthia F. Davidson Direct Examination of Zach Scrima, Trial Transcript**
28 **VOLUME IV, P.135; Line 6-12**

29
30 Q Okay. And then he used an account number that – do you have his
31 account number on here?

1 A Yes. If you look in the -- sort of above his name and the dotted line.
2 So that's showing that it -- **when purchasing these CDs, he gave USAA the**
3 **routing number of the Federal Reserve and an account number 244XXXXXX,**
4 **which, of course, is just one digit off his Social Security number.**

5
6 **Cynthia F. Davidson Direct Examination of Zach Scrima, Trial Transcript**
7 **VOLUME IV, P.137; Line 13-16**

8
9 A Again, he uses the Federal Reserve routing number and the account
10 number that is one digit off his Social Security number, which causes USAA to
11 request an ACH from the Federal Reserve .

12
13 **Cynthia F. Davidson Direct Examination of Zach Scrima, Trial Transcript**
14 **VOLUME IV, P. 144; Line 21-25**

15
16 Q And this is the calendar from July 2017. And so the -- **paying his**
17 **accounts -- paying his bills with his real Social Security number and the**
18 **federal routing number occurred on the 3rd?**

19
20 A That's my understanding, yes.

21
22 Perpetrator and coconspirator Sean O'Malley of the New York Federal
23 Reserve Bank sashayed in the trial with a whole new story. He dispensed with the
24 social security number altered by one digit nonsense. He sang a new tune. He
25 testified if someone has just the "routing number" they can access funds at the
26 Federal Reserve Bank because the funds are kept in the "routing numbers." He
27 says you can use whatever account number and name you want. It's the routing
28 number that matters. It's such an outrageous lie it's hard to believe he was allowed
29 to tell it. Trial excerpt:

30
31 **Cynthia F. Davidson Direct Examination of Sean O'Malley, Trial Transcript**
32 **Volume III, P.188, Line 6-7**

33
34 A ...they would be able to pull funds out of the routing number...

35
36 **Heather-Ann:Tucci:Jarraf Cross Examination of NY Federal Reserve Bank**
37 **Sean O'Malley, Trial Transcript Volume IV, P.63-64, Line 17-25; 1-3**

38
39 Q Maybe I can make it clearer, because there might be a structural issue
40 there. **If someone had just the routing number, a valid routing number, even**

1 **with incorrect account name and incorrect account number, they would be**
2 **able to, at least for a period of time, make that pull using the ACH system?**

3
4 A They could direct their financial institution to execute the ACH debit,
5 if that's what you're saying. **The answer is yes**, except for the scenarios in which
6 some – some routing numbers may have the ACH debit disabled, so absent that,
7 **yes, it would go**. But most -- most institutions won't have it disabled.

8
9 Perpetrator and conspirator Sean O'Malley actually testified all you need is
10 the routing number to access the account. He also said it takes two days to
11 determine if an account exists. The routing number identifies the bank. The
12 account number identifies the holder. Here's what Sapling.com says:

13 <https://www.sapling.com/8038665/bank-account-number-standards>

14
15 THE BASICS / SAVING

16 Bank Account Number Standards

17 By Cam Merritt | Updated March 28, 2017

18 Bank account numbers in the United States don't follow any standard format from one institution to
19 the next, although the system that handles electronic payments limits the overall length of account
20 numbers. Dozens of other countries, mostly in Europe and the Middle East, have adopted a common
21 standard for account numbers.

22 ACH Limitation

23 U.S. banks are free to use any numbering system they want for their accounts. However, if those
24 accounts are going to send and receive electronic payments, then the number cannot be more than
25 17 digits long. That limit comes from the Automated Clearing House, the computer network that
26 handles transactions such as direct deposits and direct-debited bill payments. The ACH software
accepts account numbers only up to 17 digits, so that's the limit for "ACH-enabled" accounts.

Bank Routing Numbers

Although bank account numbers are not standardized, the routing numbers that identify the banks themselves follow a set formula. This ensures that transactions get submitted to the correct banks; from there, the bank applies the transaction to the specified account. Routing numbers are always nine digits long. The first two digits indicate the Federal Reserve district where the bank is located. There are 12 districts: Boston, 01; New York, 02; Philadelphia, 03; Cleveland, 04; Richmond, Va., 05; Atlanta, 06; Chicago, 07; St. Louis, 08; Minneapolis, 09; Kansas City, Mo., 10; Dallas, 11; and San Francisco, 12. If the "bank" is actually a thrift, such as a credit union or savings and loan, the first digit will be increased by 2 -- so 22 would be a thrift in the New York district, and 32 would be a thrift in the San Francisco district.

During perpetrator and coconspirator Cynthia F. Davidson's redirect examination she slips and calls the accounts "Treasury deposit accounts." Understanding that there is a difference between Treasury direct deposit accounts and TreasuryDirect accounts perpetrator and coconspirator Sean O'Malley is quick to remind her. Trial excerpt:

Cynthia F. Davidson Redirect Examination of Sean O'Malley, Trial Transcript VOLUME 4, Pg.75 Line 10-14

Q Okay. The **Treasury deposit accounts**, okay, as I understood your testimony, these are the accounts of the United States Treasury?

A **I think the term that we -- that was used before was TreasuryDirect.**

Perpetrator and conspirator Sean O'Malley knows there is a difference between a treasury direct depository account and a TreasuryDirect account that's

1 why he corrected perpetrator and conspirator Cynthia F. Davidson to keep her on
2 track with the conspiracy. They wanted the jury to believe the case was about
3 TreasuryDirect accounts and not treasury direct depository accounts. If one
4 accessed a TreasuryDirect account (which is not possible without hacking) that
5 would be fraud. If one accessed his/her treasury direct depository account with
6 his/her social security account number and name that is not fraud.

7 The fabricated evidence extends beyond just testimony. The perpetrators
8 and conspirators used a disposed of South Carolina statewide misdemeanor traffic
9 related bench warrant.

10 The perpetrators and conspirators used a fraudulent fictitious signed
11 Tennessee district court arrest warrant to arrest Mr Beane and Mrs. Tucci:Jarraf. It
12 was not signed by the clerk. (Att. #10)

13 There is no doubt the perpetrators and coconspirators flagrantly abused the
14 judicial process. The case should have been dismissed because of the fabricated
15 evidence used to create a crime:

16 1) Presenting a disposed of South Carolina statewide misdemeanor traffic
17 related bench warrant,

18 2) Fraudulent fictitious signed Tennessee district court arrest warrants,

19 3) Concealing the fact the FBI did not have jurisdiction to intervene in Mr.

20 Beane's private business transaction,

1 4) Making up a story about Randall-Keith:Beane using his social security
2 account number and changing the third digit by one digit

3 5) Concealing the fact that there was no FDIC claim, and the FDIC does not
4 cover stolen funds which meant the alleged plaintiff, United States of America, did
5 not have standing,

6 6) After the trial, perpetrator and conspirator Anne-Marie Svolto and J.
7 Douglas Overbey set out to steal private property by filing a motion for order of
8 forfeiture and stating “The defendant admitted to...**using a fictitious bank**
9 **account number** (i.e., defendant’s Social Security Number)...” (Att. #66.2) At no
10 time did Mr. Beane admit to using a fictitious bank account number. A “fictitious”
11 bank account means it does not exist. Mr. Beane used his exact social security
12 account number, which is not fictitious, to access his treasury direct depository
13 account.

14 7) Perpetrator and coconspirator Cynthia F. Davidson lied in the indictment
15 when she alleged “The scheme involved...**a fictitious bank account number.**”
16 (Att. #71.2, ¶ 9, #71.3, ¶ e) She goes on to say “It was part of the scheme to make
17 numerous attempts using the valid routing number and fictitious bank account
18 number...” She’s implying Mr. Beane had to guess the correct account number.
19 To guess the correct account number would have required a lot more than
20 “numerous attempts.” (Att. #71.2, ¶ 10, Att. #71.4) And exactly how do you
21 guess at something that Davidson said does not exist, is imaginary, made up,
22 nonexistent – “fictitious?”

23 8) Perpetrator and coconspirator Cynthia F. Davidson lied in the indictment
24 when she stated “Heather Ann Tucci Jarraf purported to be Beane’s attorney.” (Att.
25 #71.2, ¶ 12) Mrs. Tucci:Jarraf was Mr. Beane’s attorney/lawyer insofar as she
26 was the lawyer for the Randall Keith Beane Factualized Trust. Perpetrator and
27 conspirator Cynthia F. Davidson knows there is a difference between an
28 attorney/lawyer (not a member of the BAR) and an attorney-at-law/officer of the
29 court (a member of the foreign **British** Accreditation Registrar aka BAR). Mrs.
30 Tucci:Jarraf did not claim to be an attorney-at-law/officer of the court and deceitful
31 and dishonest perpetrator and conspirator Cynthia F. Davidson knew that.
32 Perpetrator and conspirator Cynthia F. Davidson wanted the grand jury to believe

1 Mrs. Tucci:Jarraf had illegally presented herself as an attorney-at-law/officer of the
2 court so she put it in the indictment as though it were a fact.

3 9) Perpetrator and coconspirator Cynthia F. Davidson lied in the indictment
4 when she stated "...returned as invalid because...there was no valid account
5 number entered." (Att. #71.3, ¶ f) In the trial she asked a witness for the funding
6 number and to confirm the amount funded. The witness responded the funding
7 number was 244391135 and agreed the amount funded was \$31,000,494.974. (Att.
8 #31.2) Clearly, Davidson knew the transactions were not returned as invalid why
9 else would she ask for the funding number and confirmation of the amount funded?
10 She intentionally deceived the grand jury into believing something she plainly
11 knew was not true. (Att. #71.3)

12 10) Perpetrator and conspirator Cynthia Davidson lied in the indictment when
13 she alleged "...commit certain offenses against the United States." (Att. #71.6, ¶
14 19) Perpetrator Cynthia F. Davidson said the plaintiff is United States of
15 America. She said the victim is USAA Bank. But the "offenses" were committed
16 against the United States. One of the problems with manufacturing a charge is
17 keeping all the lies straight.

18
19 All of these things add up to egregious intentional misconduct that
20 deliberately interfered with the judicial system's ability to impartially adjudicate
21 the matter and hampered Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf's
22 defense. They intentionally presented false evidence to secure an indictment and a
23 conviction and this constitutes fraud upon the court. They all intentionally and
24 willfully misled the court.

25 It was a conspiracy against Randall-Keith:Beane and Heather-
26 Ann:Tucci:Jarraf and the district judges and appellate judges were part of it. They
27 did nothing to uphold the judicial machinery of the court to ensure the court was
28 unbiased and was governed by the rule of law.

1 What kind of court did the perpetrators and coconspirators operate? It
2 certainly wasn't a court of law. In a court of law you are innocent until proven
3 guilty and that's certainly not what took place in this case. There was no
4 presumption of innocents. It was more like a secret administrative court – a
5 kangaroo human trafficking court that completely ignored the law – the law of the
6 land. The judges, without a doubt, violated their oath of office.

7 “Any judge who does not comply with his oath to the Constitution of the
8 United States wars against that Constitution and engages in acts in violation of the
9 supreme law of the land. **The judge is engaged in acts of treason.**” (Cooper v.
10 Aaron, 358 U.S. 1, 78 S. Ct. 1401; 1958)

11 Perpetrators and conspirators Thomas A. Varlan and C. Clifford Shirley did
12 not present to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf their authority
13 or jurisdiction. They cited a US code (18 U.S. Code § 3231 – Att. #24) which is
14 not law, but rather, evidence of the law. It is not one of the two ways for a federal
15 court to gain subject matter jurisdiction. 18 U.S. Code § 3231 says, “The district
16 courts of the United States shall have original jurisdiction, exclusive of the courts
17 of the States, of all offenses against the laws of the United States.” According to
18 § 3231, Mr. Beane and Mrs. Tucci:Jarraf would have to commit **an offense**
19 **against the laws** of the United States which is not possible – nor did they violate
20 or break the laws of the United States. In addition, Black's law dictionary and

1 Bouvier's law dictionary define an "offense" as a crime not indictable. (Att. #9.3,
2 #69, #70)

3 You can't claim original jurisdiction of all offenses against the laws of the
4 United States and not be able to cite **the actual law** (not color of law) that gives
5 one that jurisdiction.

6 28 U.S. Code § 1331- Federal question (Att. #5 and #6) - states "The
7 **district courts** shall have **original jurisdiction** of all **civil actions** arising under
8 the Constitution, laws, or treaties of the United States." It is clear the jurisdiction is
9 in civil actions. It makes no mention of criminal actions. 18 U.S. Code § 3231
10 (Att. #24) does not mention the constitution, laws, treaties, criminal or civil.

11 The perpetrator and conspirator judges and attorneys all played a revised
12 legal game with their own made up rules unknown to Randall-Keith:Beane and
13 Heather-Ann:Tucci:Jarraf.

14 The district court judges and appellate judges are to act impartially and
15 lawfully. They did neither. The entire case was corrupted and the decisions were
16 produced by fraud upon the court.

17 The district court judges violated the due process clause of the constitution
18 and the appellate judges ignored it. The Supreme Court has said if a judge wars
19 against the constitution, or if he/she acts without jurisdiction, he/she has **engaged**
20 **in treason**. (Att. #45) If a judge acts after he has been automatically disqualified

1 by law, then he is **acting without jurisdiction** which **means** he/she is engaged in
2 **criminal acts of treason.** (Att. #45)

3 C) **Wrongful Selective Prosecution**

4 DEFINITION - Selective Prosecution – The practice or an instance of a criminal
5 prosecution brought at the discretion of a prosecutor rather than as a matter of
6 course in the normal functioning of the prosecuting authority's office. Selective
7 prosecution violates the Equal Protection Clause if **a defendant is singled out**
8 **when others similarly situated have not been prosecuted and the prosecutor's**
9 **reasons for the disparate treatment are impermissible.** (Black's Law
10 Dictionary, Second Pocket Edition, 2001, P. 631)

11 Unite States Attorney perpetrators and coconspirators engaged in selective
12 prosecution. They falsely prosecuted Randall-Keith:Beane and Heather-
13 Ann:Tucci:Jarraf in order to hide the theft of \$31,000,494.97 stolen from Randall-
14 Keith:Beane, and to punish Heather-Ann:Tucci:Jarraf for her Uniform Commercial
15 Code filings.

16 Tens of thousands, possibly hundreds of thousands of Americans accessed
17 their treasury direct depository account during this same time frame and yet
18 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf are the only ones to be
19 prosecuted. Heather-Ann:Tucci:Jarraf did not even access her account and they
20 went after her because of her UCC filings. Trial excerpt:

21 **Randall-Keith:Beane Cross-examination of Sean O'Malley, Trial Transcript**
22 **Volume 4, P.74-75 line 3-25; 1-4**

23 Q Another question. **You haven't made it very clear just how many**
24 **people like myself have been arrested out of the tens of thousands who have**

1 accessed accounts that they felt like were legitimate. Could you make that
2 clear to me?

3
4 A I don't know the numbers.

5
6 Q Are you the fraud investigator?

7
8 A So, remember, the Federal Reserve doesn't have jurisdictions over
9 individuals. That would be the FBI, so -- or the local police.

10
11 Q Have you made calls to the FBI to have other people arrested?

12
13 A I've made calls to the FBI to tell them about the scam so that they
14 could open investigations or that they were at least aware of it, yeah.

15
16 Q Could you give us an average number of how many calls you might
17 have made to have people arrested?

18
19 A So you're linking the arrest. What I'm saying is to open an
20 investigation -- so, you know, I don't direct this person to be arrested, that person.
21 It's -- there is a crime going on, which I want to make sure you are -- you have
22 knowledge of it. And because of that, you may -- "you" being the FBI -- may want
23 to open up a criminal investigation on it.

24
25 Q Are you aware that no one contacted me and asked me if I felt
26 like these funds were legitimate or not, or are you just assuming that I was
27 scamming?

28
29 A As you said before, I know nothing about you or --

30
31 Q MR. BEANE: Right. Thank you. No further questions.

32
33 Heather-Ann:Tucci:Jarraf Cross-examination of Sean O'Malley, Trial
34 Transcript Volume 3, P. 217, Line 2-6

35
36 A So I don't dispute that it was hundreds of thousands. I know that
37 it was in the -- at minimum in the tens of thousands in a very short period of
38 time, so it very well could be. I wasn't involved in looking at the aggregate
39 numbers as to what it ended up being at the end of the day.

1 The perpetrators and coconspirators didn't care about the instigator who sent
2 out the video telling everyone how to access their treasury direct depository
3 account – Harvey Dent. Trial transcript:

4 **Heather-Ann:Tucci:Jarraf Cross Examination of Sean O'Malley (NY Federal**
5 **Reserve Bank), Trial Transcript Volume IV, P. 42-43, Line 18-25, 1-13**

6 Q I'm -- I will narrow that down. Have you seen the video that **Harvey Dent**
7 supposedly put out on July 1st, 2017 regarding use your secret accounts?

8
9 A I've seen **Harvey Dent** talking about using your secret account at the Federal
10 Reserves. I don't know what the date of the YouTube video was.

11
12 Q Okay. Was it around July 1st that this ACH problem started to be incurred?

13
14 A It was in the first few days of July, yeah.

15
16 Q And was it just the Federal Reserve Bank of New York that experienced
17 this issue or was it all 12 of the Federal Reserve Banks?

18
19 A It was actually only about half of them. Because -- well, we're not really
20 sure why, but we speculate that – I believe that the person who goes by the name
21 of **Harvey Dent** talked about looking at your Social Security card and flipping
22 it to the other side, and then I think that there was a number on the other side of the
23 Social Security card, and he said that that number relates to the Federal Reserve
24 Bank in – that maintains your account. This is the scam that he -- you know,
25 the theory that he was putting out.

26 **Heather-Ann:Tucci:Jarraf Cross Examination of Sean O'Malley (NY Federal**
27 **Reserve Bank), Trial Transcript Volume IV, P. 57-58, Line 24-25; 1-4**

28 Q Did you say this particular scam was initiated by this video that **Harvey**
29 **Dent** -- that someone called **Harvey Dent** put out, the initial video on July 1st?

30
31 A There's a high probability, the linkage, yeah.

32
33 Q Okay. High probability of linkage, you said?

1 A Yeah.

2 The FBI and US Attorney perpetrators and coconspirators didn't care about
3 anyone else who accessed their treasury direct depository account. Perpetrator and
4 coconspirator Sean O'Malley testified tens of thousands or hundreds of thousands
5 of Americans accessed their treasury direct depository account during the same
6 time period, but only two drew the wrath of the FBI and US Attorney perpetrators
7 and conspirators. Mrs. Tucci:Jarraf didn't even access her account.

8 **XVI) Knowing Misrepresentation of Definition – (A) Money Laundering –**
9 **(B) Affect Interstate Commerce – (C) Fraud**

10

11 **(A) Money Laundering**

12 Perpetrators and conspirators Cynthia Davidson and Parker Still talk about
13 conversations being an example of money laundering to a "T." Their definition of
14 money laundering is as follows:

15 **Cynthia F. Davidson Questioning Parker Still, Grand Jury Transcript, P. 55-**
16 **56, Line 23-25, 1-2**

17

18 Q And then to commit money laundering, which is in this case to
19 transfer the money out of USAA to Whitney Bank for the purchase of this RV,
20 which is basically to get the money out of USAA so that they can't get it back?

21

22 A That's correct. Yes, ma'am."

23

24 Transferring money from one's personal bank account to a retailer for the
25 purchase of an item is called shopping—not money laundering.

26 GRAND JURY excerpt:

27

1 **Grand Jury Testimony, Cynthia Davidson Questions Parker Still, Grand Jury**
2 **Transcript, P. 38, Line 13-16**

3
4 Q And the money laundering was basically the Count 5, transferred to
5 Whitney Bank for purchase of the motor home?

6
7 A Yes, ma'am."

8
9 GRAND JURY excerpt:

10
11 **Grand Jury Testimony, Cynthia Davidson Questions Parker Still, Grand Jury**
12 **Transcript, P. 51-52, Line 15-25; 1-8**

13
14 **THE GRAND JUROR: Can you summarize the evidence against Mr.**
15 **Beane in terms of money laundering?**

16
17 **THE WITNESS (Parker Still): Yes sir. So what we have – the evidence**
18 **wise would be the conversation that – where Ms. Jarraf is on there with –**

19
20 Q (By Ms. Davidson) The recording telephone call?

21
22 A Yes. That is – that is the – that is – so that's where we see, you know
23 where she is trying to influence – based on my investigative experience **she is**
24 **trying to influence this situation, make this transaction go through**, this money
25 laundering transaction of this – the \$493,000 in order to purchase this – this motor
26 home. And her knowledge of – how do I say this, **she has knowledge of these**
27 **funds**; right, because what if – I mean, I can see where you could say – be thinking
28 she was just an attorney on behalf of her client trying to – even though **she's not**
29 **licensed in the state of Tennessee**, trying to make this deal happen.

30
31 The grand juror asked about Mr. Beane but perpetrator and conspirator
32 Parker Still shifted to Mrs. Tucci:Jarraf because he knew there was no evidence
33 Mr. Beane engaged in money laundering. The most he could come up with
34 regarding Mrs. Tucci:Jarraf was to throw out the deception that she's not
35 "licensed" in Tennessee. NEWS FLASH – he isn't either! Have no doubt he

1 knows the difference between his BAR “membership card” and a “license.” Mrs.
2 Tucci:Jarraf is a lawyer/attorney who was working on behalf of her client – The
3 Randall-Keith Beane Factualized Trust and he knew it.

4 **Grand Jury Testimony, Cynthia Davidson Questions Parker Still, Grand Jury**
5 **Transcript, P. 54, Line 4-20**
6

7 **A GRAND JUROR:** Again, the statements in the video that suggests
8 she was aware that she was involved in the money laundering? Did her
9 statements in that video she posted suggest she was –
10

11 **THE WITNESS (Parker Still):** Statement – statements that she didn’t –
12

13 **THE GRAND JUROR:** Well, that suggested to you as a witness that she –
14

15 **THE WITNESS (Parker Still):** That the – when I look at the conversations
16 with Buddy Gregg and then the second conversation that she has – I mean, **with**
17 **the information she puts out that to me shows knowledge** that this – **where the**
18 **source funds were.** When you assist in that, when you assist in a transaction that
19 type to me that is – **that’s money laundering to a T.**
20

21 Perpetrator and conspirator Parker Still did not provide the juror with
22 statements that proved Mrs. Tucci:Jarraf “was aware that she was involved in the
23 money laundering” because there was no money laundering and he knew it.
24 Perpetrator and conspirator Parker Still started speaking gibberish - the language of
25 liars.
26

27 The FBI says, “While many definitions for money laundering exist, **it can**
28 **be defined very simply as turning “dirty” money into “clean” money.”** (Att.
29 #76) Keep in mind perpetrator and conspirator Parker Still works for the FBI so he
30 knows the FBI’s definition of money laundering. Perpetrator and conspirator
31 Parker Still’s definition of money laundering presented to the grand jury was just
32 another con – another lie – another deception.
33

34 Let’s see who agrees with perpetrators and coconspirators Parker Still and
35 Cynthia F. Davidson’s ridiculous definition of money laundering.
36

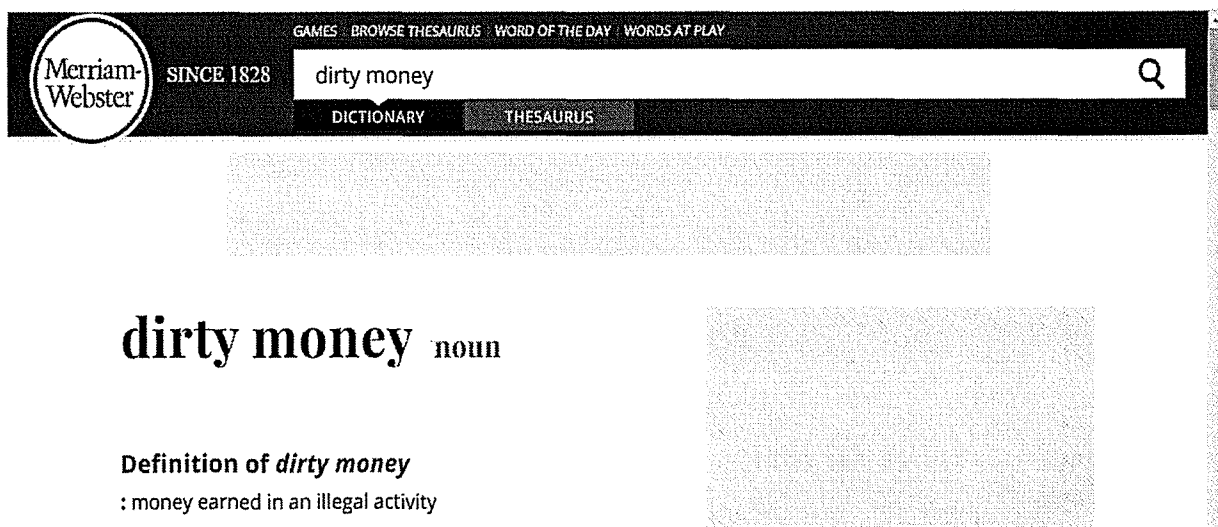
37 **DEFINITION** - **Money Laundering**

- 1) Money Laundering – “The act of **transferring illegally obtained money through legitimate people or accounts so that its original source cannot be traced**. (Black’s Law Dictionary, 9th Edition, P. 1097)
- 2) Money Laundering – “Money laundering refers to a **financial transaction scheme that aims to conceal the identity, source, and destination of illicitly-obtained money**. The money laundering process can be broken down into three stages. **First**, the illegal activity that garners the money places it in the launderer’s hands. **Second, the launderer passes the money through a complex scheme of transactions to obscure who initially received the money** from the criminal enterprise. **Third**, the scheme returns the money to the launderer in an obscure and indirect way.”
(https://www.law.cornell.edu/wex/money_laundering)
- 3) Definition of Money Laundering – The act of **disguising the source or true nature of money obtained** through illegal means.
(<https://legaldictionary.net/money-laundering/>)
- 4) Money laundering is the process of making illegally-gained proceeds (i.e. "dirty money") appear legal (i.e. "clean"). Typically, it involves three steps: placement, layering and integration. First, the illegitimate funds are furtively introduced into the legitimate financial system. Then, **the money is moved around to create confusion**, sometimes by wiring or **transferring through numerous accounts**. Finally, it is integrated into the financial system through additional transactions until the "dirty money" appears "clean." Money laundering can **facilitate** crimes such as **drug trafficking** and **terrorism**, and can adversely impact the global economy.
(<https://www.fincen.gov/history-anti-money-laundering-laws>)
- 5) Money laundering is the illegal process of **making large amounts of money generated by a criminal activity, such as drug trafficking or terrorist funding, appear to have come from a legitimate source**. The money from the criminal activity is considered dirty, and the process "launders" it to make it look clean.
(<https://www.investopedia.com/terms/m/moneylaundering.asp>)
- 6) Money laundering generally refers to financial transactions in which criminals, including **terrorist organizations, attempt to disguise the proceeds, sources or nature** of their illicit activities. Money laundering facilitates a broad range of serious underlying criminal offenses and

ultimately threatens the integrity of the financial system.
(<https://home.treasury.gov/policy-issues/terrorism-and-illicit-finance/money-laundering>)

- 7) Money laundering is the process by which criminals **conceal or disguise** their proceeds and make them appear to have come from legitimate sources. While many definitions of money laundering exist, it can be defined very simply as **turning “dirty” money into “clean” money**.
(<https://www.fbi.gov/news/stories/combating-the-growing-money-laundering-threat>) (Att. #76)

FinCen, Investopedia, Treasury.gov, legaldictionary.net, law.cornell.edu, Black’s Law Dictionary, and the FBI – none of them agree with the perpetrators and coconspirators definition of money laundering. The official FBI definition of money laundering is “turning dirty money into clean money.” What is dirty money? Merriam-Webster says dirty money is “money **earned** in an illegal activity. Fincen, Investopedia, and Treasury.gov describe illegal activity as drug trafficking or terrorist funding.



1 What illegal activity did the perpetrators accuse Mr. Beane and Mrs. Tucci:
2 Jarraf of? The perpetrators and conspirators had to fabricate a “fraud” and
3 “money laundering” charge because Mr. Beane and Mrs. Tucci:Jarraf did not
4 engage in any illegal or unlawful activity to charge. That’s why they made up the
5 nonsense about Mr. Beane ‘altered his social security account number by one
6 digit,’ and ‘Mr. Beane used his account number off by one digit.’ In other court
7 documents they said Mr. Beane used a fictitious bank account (never
8 acknowledging “fictitious” means imaginary—non existent). These were all lies
9 strung together because there was no illegal or unlawful activity by Mr. Beane or
10 Mrs. Tucci: Jarraf. They had to make it up.

11 Drug cartels, human trafficking rings, high profile corrupt politicians,
12 bankers, CEOs and terrorists launder money. Randall-Keith:Beane and Heather-
13 Ann:Tucci:Jarraf did not launder money. In furtherance of their conspiracy
14 perpetrators and conspirators Cynthia F. Davidson and Anne-Marie Svolto
15 criminalized innocent conduct. They took a shopping event and fabricated the
16 crime of money laundering. They knew Mr. Beane purchased an extended
17 warranty for the motorhome because he planned to keep it and live in it. (Att.
18 #32.3) They understand that putting private property in a trust named for Mr.
19 Beane is considered estate planning.

1 For perpetrators and coconspirators Parker Still, Cynthia F. Davidson, and
2 Anne-Marie Svolto it is not the act of moving money around so it can't be traced
3 that is money laundering. It is the act of shopping and having a second telephone
4 conversation and purchasing a motorhome to live in – that's the definition of
5 money laundering to a "T" they intentionally misrepresented to the grand jury and
6 the trial jury.

7 The perpetrators and coconspirators definition of money laundering bears no
8 similarity to the definition of money laundering offered by Black's Law
9 Dictionary, FinCen.gov, law.cornell.edu, legaldictionary.net, Investopedia,
10 treasury.gov, or the FBI.

11 Money laundering involves laundering "dirty" money. Mr. Beane was not
12 dealing with dirty money. Mr. Beane's electronic digits were not illegally obtained
13 money. Mr. Beane accessed his treasury direct depository account. The
14 perpetrators and conspirators did not cite an actual law, color of law, or color of
15 law code/statute that says accessing one's treasury direct depository account with
16 one's private social security account number, name, and Federal Reserve Bank
17 routing number is unlawful.

18 Mr. Beane behaved like a typical consumer. He wanted a motorhome to live
19 in so he shopped for it and purchased one. Many of us like a standing still home

1 and likely would have purchased a stick-built house. He wanted a home that
2 would make it more convenient for him to do the job he loved.

3 Here's Mr. Beane's trial testimony regarding the motorhome purchase:

4 **Randall-Keith:Beane Direct Testimony, Trial Transcript, Volume IV – P. 177**
5 **– Line 6-14**

6
7 “As a matter of fact, at the time, I was paying for two apartments. I
8 thought, if I get a coach, I can eliminate those hotel cost, I can move out of my
9 apartment, and I've got something to live in and be on the road and do my job. I
10 can continue to work, because I love my job. **So that was my intention in**
11 **purchasing a coach.** I was excited about that. I saw a future with it. No intention
12 of hiding money. It was using it wisely in my eyes. That was all the intention that I
13 had.”

14
15 Mr. Beane's USAA bank account was in his appellation and the trust
16 holding the motorhome was Randall Keith Beane Factualized Trust. All “funds”
17 went through USAA Bank in his appellation. Where's the hiding? There was no
18 hiding. The perpetrators and coconspirators lied-lied-lied in furtherance of their
19 plot and conspiracy.

20 Mr. Beane did not run the money through a number of legitimate businesses
21 as one who is laundering or cleaning dirty money would do. Mr. Beane was not
22 hiding his digits. Mr. Beane did not conceal the source of the digits. Mr. Beane
23 deposited the digits into his personal bank account at USAA Bank. Everybody
24 knew where the digits came from and where they went even though it was none of
25 their business because they did not have a court subpoena. There was no secret
26 about Mr. Beane's transactions.

1 **(B) Affect Interstate Commerce**

2
3 **7 U.S. Code § 1301.**

4 - “(4) The term “**affect** interstate and foreign
5 commerce” **means**, among other things, in such commerce, or **to burden or**
6 **obstruct** such commerce or **the free and orderly flow** thereof; or to create or tend
7 to create a surplus of any agricultural commodity which burdens or obstructs such
commerce or the free and orderly flow thereof.

8 **29 USC § 152 (7),** -

9 the term **"affecting commerce" means** in
10 commerce, or **burdening or obstructing commerce or the free flow of**
commerce,

11 Here's the perpetrators and conspirators' definition of "affecting interstate
12 commerce:"

13
14 **Cynthia Davidson Questioning Parker Still – Grand Jury Testimony – Grand**
15 **Jury Transcript, P. 29, Line 3-5**

16
17 Q And was that a **signal** in interstate commerce?

18
19 A Yeah. It would be a mobile app. So, yes, ma'am.”

20
21 **Cynthia Davidson Questioning Parker Still – Grand Jury Testimony – Grand**
22 **Jury Transcript, P. 31, Line 5-10**

23
24 Q And so did – that wire transmission, was it a **signal in interstate**
25 **commerce?**

26
27 A Yes, ma'am.

28
29 Q And was this wire transmission in furtherance of the fraud?

30
31 A Yes, ma'am.”

1 Cynthia Davidson Questioning Parker Still – Grand Jury Testimony – Grand
2 Jury Transcript, P. 33, Line 4-9)

3
4 Q And was it a signal that affected interstate commerce?

5
6 A Yes, ma'am.

7
8 Q And was this transaction in furtherance of the fraud?

9
10 A Yes, ma'am."

11
12 Cynthia Davidson Questioning Parker Still – Grand Jury Testimony – Grand
13 Jury Transcript, P. 34, Line 4-9)

14
15 Q And was it – was wire this transmission a signal in interstate
16 commerce?

17
18 A It was, yes, ma'am.

19
20 Q And was this transmission in furtherance of the fraud?

21
22 A It was.

23
24 The perpetrators and conspirators changed the meaning of "affect interstate
25 commerce" to mean a "signal" was sent. However, 7 U.S. Code § 1301(4) says
26 "affect interstate and foreign commerce" means to burden or obstruct the free flow
27 of commerce.

28 The actual definition of "affect interstate commerce" has nothing in common
29 with the perpetrators and conspirators made up definition about a "signal."

30 (C) **Fraud**

31 A Law Dictionary Adapted to the Constitution and Laws of the United States of
32 America and of the Several States of the American Union by John Bouvier,
33 Revised Sixth Edition, Pg. 807

1 **FRAUD,** contracts, torts. **Any trick or artifice** employed by one person
2 **to induce another to fall into an error,** or to detain him in it, so that he may make
3 an agreement contrary to his interest. The fraud may consist either, first, in **the**
4 **misrepresentation,** or, secondly, in **the concealment of a material fact.** Fraud,
5 force and vexation, are odious in law. Booth, Real Actions, 250. **Fraud gives no**
6 **action, however, without damage;** 3 T. R. 56; and in matters of contract it is
7 merely a defense; it cannot in any case constitute a new contract. 7 Vez. 211; 2
8 Miles' Rep. 229. It is essentially ad hominem. 4 T. R. 337-8.”

9 **Black's Law Dictionary, Ninth Edition, Pg. 731**

10
11 **Fraud.** “**A knowing misrepresentation of the truth** or concealment of
12 a material fact **to induce another to act to his or her detriment.** A misrepresentation
13 made recklessly without belief in the truth to induce another person to act.”

14 **Black's Law Dictionary, 4th Edition, Page 788**

15 **FRAUD.** “ An **intentional perversion of truth** for the purpose of
16 inducing another in reliance upon it to part with some valuable thing belonging to
17 him or to surrender a legal right; a false representation of a matter of fact, whether
18 by words or by conduct, by **false or misleading allegations,** or by **concealment of**
19 **that which should have been disclosed,** which **deceives and is intended to**
20 **deceive...**” (Black's Law Dictionary, 4th Edition, Page 788)

1 Who did the perpetrators and conspirators allege Randall-Keith:Beane or
2 Heather-Ann:Tucci:Jarraf trick? What material fact(s) were they alleged to have
3 concealed or misrepresented? Who are they accused of inducing to fall into error?
4 “Fraud gives no action without damage” so who did Mr. Beane and Mrs.
5 Tucci:Jarraf allegedly damage? They certainly did not damage the plaintiff,
6 United States of America, and USAA Bank did not step forward to offer a sworn
7 affidavit complaint.

8 The United States of America was not tricked. No material fact was
9 misrepresented or concealed from the United States of America. The United States
10 of America was not induced to fall into error. The United States of America did
11 not sustain damage. (Att. #33.2)

12 The perpetrators and conspirators, on numerous occasions, said their hidden
13 secret concealed true “victim” was USAA Bank. USAA Bank was not the
14 plaintiff, but we make the same statements: 1) USAA Bank was not tricked, 2)
15 No material fact was misrepresented or concealed from USAA Bank, 3) USAA
16 Bank was not induced to fall into error, and 4) USAA Bank did not provide proof
17 they sustained damage.

18 There was no fraud by Mr. Beane. The perpetrators and coconspirators just
19 made it up to move forward their conspiracy to deprive Randall-Keith:Beane and

1 Heather-Ann:Tucci Jarraf of their freedom and liberty so that they could steal the
2 \$31,000,494.97 from Mr. Beane's account without question or challenge.

3 **XVII) Treasury Direct Depository Account-- Social Security Account**
4 **Number**
5

6 As part of the plot and conspiracy, the perpetrators and coconspirators made
7 up a story about Randall-Keith Beane changing his social security account number
8 by one digit in order to access his treasury direct depository account (TDDA).

9 There is no crime against accessing your TDDA. They didn't charge
10 Randall-Keith:Beane with computer hacking nor did they explain how he would
11 have known to change his social security account number by moving the third digit
12 of his social security account number up one digit to access his treasury direct
13 depository account. There are nine numbers in a social security account number.
14 How would Mr. Beane know to change the third digit? And how would he know
15 to move that third digit up one digit? They implied computer hacking but did not
16 accuse or charge computer hacking because they knew there was no computer
17 hacking. They knew the correct account number is Randall-Keith:Beane's social
18 security account number.

19 A social security number has nine digits. You would have to make
20 thousands/millions of guesses to figure out which digit was incorrect to get the
21 right sequence of numbers. How would Randall-Keith:Beane know it was the third
22 digit that needed to be changed by one digit? How would he know that? Why

1 didn't they make an accusation of computer hacking? A hacker is the only one
2 who could have figured out which digit to change and it would have taken him/her
3 millions of guesses with the assistance of a computer hacking program. The
4 perpetrators and conspirators accusation that Mr. Beane altered his social security
5 account number by one digit shows their intent to commit fraud and conspiracy
6 against Randall-Keith:Beane and deprive him and Heather-Ann:Tucci:Jarraf of
7 life, liberty and their God-given rights.

8 Monica Alcala (USAA Bank fraud investigator) tried to tell the truth that
9 Mr. Beane used his actual social security account number (Att. #30.6) to access his
10 treasury direct depository account, but perpetrator and coconspirator Cynthia F.
11 Davidson kept guiding her back to the lie.

12 Knowing it would be perjury, perpetrator and conspirator Cynthia F.
13 Davidson continued to guide Monica Alcala to lie under oath and say that Mr.
14 Beane's social security number was altered by one digit. As stupid as this lie is –
15 and it is, indeed, a special kind of stupid – they could not charge Mr. Beane with
16 fraud and admit he used his own social security account number. They had to lie
17 in order to charge fraud. There is NO FRAUD if Mr. Beane used his correct social
18 security account number. It was very important for the success of the conspiracy
19 to keep the lie going that Mr. Beane altered his social security account number. It
20 was so important they wouldn't allow Monica Alcala (USAA Bank Fraud

Investigator) to tell the truth. In response to perpetrator and conspirator Cynthia Davidson's January 23, 2018 question "Q - And what was the account number," Ms. Alcala responded truthfully, "A - The account number was Randall Beane's Social Security number." (Trial Transcript, Volume I, P. 129, Line 8-12) By the next day, January 24, 2018, perpetrator and conspirator Cynthia Davidson asked Ms. Alcala "Q - Is it the same account number based on his Social Security number" and Ms. Alcala succumbed to the lie and responded, "A - It's off by one digit." (Trial Transcript, Volume II, P. 17, Line 4-6)

XVIII) False Personation

Perpetrator and coconspirator True Brown (USAA Bank Investigator) initially misled Jerald Byrne (Buddy Gregg RV Sales Manager) into believing he was a FBI agent in violation of 18 U.S Code § 912. (Att. #11) There's one reason to pretend to be a FBI agent and that's to unlawfully exercise authority of the United States for the purpose of soliciting valuable information and cooperation one would otherwise not receive. It would be to gain some benefit to cause harm to Randall-Keith:Beane. Under cross-examination by perpetrator and conspirator Anne-Marie Svolto, Mr. Beane testified:

Trial Transcript Volume 5, P. 14, Line 11-22 (Att. #34.3)

Q. You didn't know that you should -- that the person who was asking questions about this whole -- these -- all of these transactions was True Brown?

1 A. No. No, at that point, he was identified as an FBI agent.

2 Q. You knew on the call with Buddy Gregg that True Brown was with USAA,
3 and Lauren Palmisano with Whitney Bank gave you that information on that
4 conference call, didn't she?

5 A. **Mr. Brown was introduced as an FBI agent to begin with.**

6 Perpetrator and conspirator True Brown passed himself off as a FBI agent in
7 order to wrongfully instill fear and thus unlawfully elicit information. Perpetrator
8 and coconspirator Anne-Marie Svolto knew of the false personation and she did
9 nothing about it.

10 Jerald Byrne was probably already shaking in his flip flops with fear after
11 being threatened with "obstruction of justice" charges if he didn't cooperate.
12 Here's Jerald Byrne's trial testimony:

13 **Heather-Ann:Tucci:Jarraf Cross-Examination of Jerald Byrne, Trial**
14 **Transcript, Volume III, P. 55, Line 4-13)**

15

16 Q Okay. You were contacted by a man named True Brown.

17

18 A Correct.

19

20 Q And who did you believe Mr. Brown worked for?

21

22 A At the end of the conversation –

23

24 Q At the beginning of your conversation.

25

26 A **At the beginning, it was identified that he worked for the FBI.**

27

28 Q Okay. And by the end of your conversation?

1 A That he was a prior employee of the FBI. He is a current investigator
2 for USAA Bank.

3
4 **Heather-Ann:Tucci:Jarraf Cross-Examination of Jerald Byrne (Buddy Gregg**
5 **Sales Mgr.)Trial Transcript, Volume III, P. 57, Line 6-10)**

6
7 “...I mean, everything was brought up as a scam. I mean, that's how -- that's
8 how it was presented.

9
10 Q That who presented that to you?

11
12 A USAA and True Brown and Donald or Dan.”

13
14 It seems USAA Bank did not stop at false personation. Lauren Palmisano of
15 Whitney Bank explained that USAA Bank lied to her:

16 **Anne-Marie Svolto Direct Examination of Lauren Palmisano, Trial**
17 **Transcript, Volume III, P. 139-140, Line 25; 1-4**

18
19 Q Okay. And so you took note of those e-mails?

20
21 A I saved them. I briefly reviewed them, but our whole thing was that
22 he [Mr. Beane] did in fact send that wire and that **it wasn't what USAA was**
23 **claiming**, that it -- he was the one that recalled it.

24
25 Remember – perpetrator and coconspirator Parker Still said he had no reason
26 to doubt the information True Brown and USAA Bank provided to him (Att.
27 #30.2) – meanwhile USAA Bank investigator True Brown was sneaking around
28 impersonating a FBI agent, and he and others at USAA Bank were telling lies to
29 Jerald Byrne of Buddy Gregg RVs & Motor Homes and Lauren Palmisano of
30 Whitney Bank. USAA Bank personnel behaved like thugs and thieves – bottom-

1 rung crooks. Is there a reason to false impersonate and lie if you have a lawful
2 claim?

3 **XIX) Heather-Ann:Tucci:Jarraf**

4
5 Part of the perpetrators and coconspirators plot and conspiracy involved
6 making the grand jury and trial jury believe Heather-Ann:Tucci:Jarraf was
7 practicing law without a license.

8 Trial transcript:

9
10 **Parker Still Testifying before the grand jury, Grand Jury Transcript, P. 20,**
11 **Line 2-9**

12
13 “And what—what she does, **she holds herself out as an attorney**
14 **representing Mr. Beane and Mr. Beane’s trust...apparently she is an attorney.**
15 **She’s not licensed in the state of – not currently licensed in the state of**
16 **Washington...she’s not licensed in the state of Tennessee based on our research.”**

17
18 **Parker Still Testifying before the grand jury, Grand Jury Transcript, P. 52,**
19 **Line 3-8**

20
21 “And her (Heather-Ann:Tucci:Jarraf) knowledge of – how do I say this, **she**
22 **has knowledge of these funds;** right, because what if – I mean, I can see where
23 you could say – **be thinking she was just an attorney on behalf of her client**
24 **trying to – even though she’s not licensed in the state of Tennessee, trying to**
25 **make this deal happen.”**

26
27 **Cynthia Davidson Direct Examination of Parker Still, Trial Transcript,**
28 **Volume I, P. 37, Line 13-18**

29
30 Q Did you do any research to determine whether or not the defendant,
31 Ms. Heather Ann Tucci:Jarraf, is actually an attorney?

32
33 A Our office did some and determined **she was not licensed in the state**
34 **of Tennessee or in the state of Washington.”**

1 A lawyer who passes the BAR examine is **admitted** to practice before the
2 court in that certain jurisdiction. A lawyer with a BAR membership in a particular
3 jurisdiction but not “admitted” to practice in another jurisdiction may seek pro hac
4 vice (permission from the court) to be allowed to participate in a case in that
5 jurisdiction. It has absolutely nothing to do with a license. A lawyer doesn’t stop
6 being a lawyer because they weren’t admitted to practice in a certain jurisdiction
7 court. Mrs. Tucci:Jarraf’s work for the Randall Keith Beane Factualized Trust did
8 not require representation before a court. Mr. Beane could have sought the
9 assistance of an “attorney-at-law” – aka a BAR attorney who has permission from
10 the black robes to speak – but the trust did not need that kind of assistance.

11 Some would have us believe being admitted to the foreign British
12 Accredited Registry (BAR) is a license. It’s not a license – it’s a membership.
13 Mrs. Tucci:Jarraf made it clear she cancelled her membership. All kinds of
14 membership organizations are formed in which admission is a privilege. The
15 practice of law, however, is not a privilege – it is a Right! The word “admit” and
16 “license” is used interchangeably. It is said the right to be an attorney or lawyer is
17 granted by the Supreme Court. Look no further than Article III of the Constitution
18 for a description of Judicial Power. You won’t see a word in it about licensing the
19 practice of law.

20 In his grand jury testimony perpetrator and conspirator Parker Still states --

1 “Prior to joining the FBI, I was an attorney for approximately seven and a half
2 years. Still licensed to practice law. During my time as an attorney I did both
3 prosecution and I’ve done criminal defense work.” (Parker Still Testifying before
4 the grand jury, Grand Jury Transcript, P. 2, Line 19-22) As an attorney he clearly
5 knows the difference between an attorney/lawyer and an attorney-at-law/officer of
6 the court. Perpetrator and conspirator Cynthia F. Davidson also knows the
7 difference between an attorney/lawyer and an attorney-at-law/officer of the court.
8 And yet they painted a picture to the grand jury and trial jury of a woman who
9 practiced law without a ‘license’ when they knew that was not the truth.

10 **DEFINITIONS**

11
12 **lawyer.** N. An attorney; a person who has studied law or who practices
13 law. (Essential Law Dictionary, First Edition, P. 286 – Att. #81.3)

14 **attorney.** N. A lawyer; more generally, an agent appointed to act for
15 another person. (Essential Law Dictionary, First Edition, P. 41 – Att. #81.2)

16 **attorney at law.** N. A lawyer admitted by a court to practice law in a
17 particular jurisdiction, including drafting legal documents and representing clients
18 in court. (Essential Law Dictionary, First Edition, P. 41 – Att. #81.2)

19 **LAWYER.** A counsellor; one learned in the law. (Bouvier Law
20 Dictionary, Revised Sixth Edition, P. 1046 – Att. #82.1)

1 **ATTORNEY**. One who acts for another by virtue of an appointment by the
2 latter. Attorneys are of various kinds.

3 **3. All persons who are capable of acting for themselves**, and even those
4 who are disqualified from acting in their own capacity, if they have sufficient
5 understanding, as infants of a proper age and femmes coverts, **may act as attorneys**
6 **of others.**

7 5. The object of his appointment is the transaction of some business of the
8 constituent by the attorney.

9 6. The attorney is bound to act with due diligence after having accepted the
10 employment, and in the end, to render an account to his principal of the acts which
11 he has performed for him.

12 **7. Attorney at law. An officer in a court of justice**, who is employed by a
13 party in a cause to manage the same for him. (Bouvier Law Dictionary, Revised
14 Sixth Edition, P. 223 – Att. 82.2)

15 **ATTORNEY**. In the most general sense this term denotes an agent or
16 substitute, or one who is appointed and authorized to act in the place or stead of
17 another. An agent, or one acting on behalf of another. **When used with**
18 **reference to the proceedings of courts, or the transaction of business in the**
19 **courts, the term always means "attorney at law..."** **"Lawyer" and "attorney"**
20 **are synonymous.** (Black's Law Dictionary, 4th Edition, P. 164 – Att. #9.5 and #9.6)

1 **Attorney at law.** An advocate, counsel, or official agent employed in
2 preparing, managing, and trying cases **in the courts.** An officer in a court of
3 **justice**, who is employed by a party in a cause to manage it for him. (Black's Law
4 Dictionary, 4th Edition, P. 164- Att. #9.5 and #9.6)

5 According to Black's Law Dictionary, "lawyer" and "attorney" are
6 synonymous. Heather-Ann:Tucci:Jarraf called herself a lawyer. She did not
7 represent that she was an attorney-at-law/officer of the court. An attorney-at-
8 law/officer of the court is a member of the BAR. Mrs. Tucci:Jarraf made it clear
9 she cancelled her BAR membership. It was clear jury manipulation, concealment
10 and deception by perpetrators and conspirators Parker Still and Cynthia Davidson
11 to make the jury believe Mrs. Tucci:Jarraf practiced law without a license. They
12 both knew that Heather-Ann:Tucci:Jarraf used to be an attorney-at-law/officer of
13 the court. Heather-Ann:Tucci:Jarraf said "...I canceled my bar license..."

14 (Proceedings Before C. Clifford Shirley, Jr., October 18, 2017, 9:35 a.m. to 11:24
15 a.m., 92 pages, P. 7, Line 5 – no court document number on transcript.)

16 Perpetrators and conspirators Cynthia F. Davidson and Parker Still
17 misrepresented the facts to the grand jury and the trial jury to get them to believe
18 something that they knew was not true. They know the difference between an
19 attorney/lawyer and an "attorney-at-law/officer of the court," and if they didn't
20 know the difference they were obligated to search a dictionary. Their actions were

1 intentional to further the conspiracy. The decision had already been made they
2 would convict Heather-Ann:Tucci:Jarraf by whatever means necessary. They
3 worked to create the illusion of a record of dishonesty for her.

4 God help us if only attorneys-at-law (British Accreditation Registry—BAR)
5 could work on legal matters. Anyone can assist another with law or legal
6 documents.

7 “The practice of law cannot be licensed by any state/State.” (Schware v.
8 Board of Examiners, United State Reports 353 U.S. pages 238, 239.)

9 “The practice of law is an occupation of common right.” (Sims v. Aherns,
10 271 SW 720; 1925)

11 “The State cannot diminish rights of the people.” (Hurtado v. California,
12 110 U.S. 516)
13

14 The perpetrators and conspirators had no reason to arrest and prosecute
15 Heather-Ann:Tucci:Jarraf. It was a revenge arrest likely ordered by the New York
16 Federal Reserve to those at the FBI and US Attorney’s office moonlighting while
17 in their position of emolument. It was vindictive payback for her UCC work and
18 to keep her silent about the \$31,000,494.97 stolen from Randall-Keith:Beane’s
19 USAA account.
20

1 Randall-Keith:Beane had already completed his RV purchase before
2 Heather-Ann:Tucci:Jarraf decided to lend her help with creation of a trust
3 document for the motorhome.

4 The perpetrators and conspirators had no lawful reason to arrest Mrs.
5 Tucci:Jarraf so they redefined money laundering to the act of making a purchase.
6 Normal people call it shopping. These perpetrators and conspirators call shopping
7 money laundering. Mrs. Tucci:Jarraf was not the one doing the shopping. The
8 shopping was completed before she became involved with Mr. Beane's purchase
9 transaction and trust.

10 At points during the grand jury hearing and the trial perpetrators and
11 conspirators deceitfully referred to Mr. Beane's private transaction as being a
12 robbery. In a robbery the robbers typically share the spoils. They offered no
13 evidence that Heather-Ann:Tucci:Jarraf got anything out of helping Randall-
14 Keith:Beane – NOTHING – not one debt note, material object, piece of silver, or
15 piece of gold.


16 The bottom line is they wanted to get Mrs. Tucci:Jarraf. They were angry
17 about her UCC filings. They wanted to shut her up. They simply decided they
18 wanted to send her to prison so they set about figuring out how to frame her for a
19 crime they had to invent.

When you go to the Tennessee Department of Commerce & Insurance for a license search and verification you'll see a drop down list of the professions that are licensed: accountants, architects, court reporters, etc. Guess who's missing from the list? Attorney-at-law! Lawyers! Attorneys! Counsellors! Attorneys-at-law are not licensed. They're members of an association – a foreign association. Here are a few screenshots taken from <https://verify.tn.gov/>:

The drop-down list is in alphabetical order. You don't see "attorney," "attorney-at-law," "lawyer," or "counsellor" in any of the drop down lists:

The screenshot displays the "License Search and Verification" page of the Tennessee Department of Commerce & Insurance. The page includes a header with the department's logo and name. Below the header, there is a "Verify Home" link. The main section is titled "License Search and Verification" and contains instructions for users. The search form consists of several input fields: "Firm or Last Name", "First Name", "Middle Name", "License #", and "Profession". A dropdown menu for the "Profession" field is open, showing a list of professions in alphabetical order. The list includes "A&E - Architects", "A&E - Archt. Firm", "A&E - Eng. Firm", "A&E - Engineer Interns", "A&E - Engineers", "A&E - Interior Designers", "A&E - LA Firm", "A&E - Landscape Architects", "Accountancy - CPA", "Accountancy - Firms", "Accountancy - PA", "Accountancy - Temporary", "Alarm Contractor", "Alarm Qua. Agent", "Alarm Reg Employee", "Appraisal Management Company", "Appraiser Temporary Practice", "Approved CPE Sponsor", "Auctioneer", and "Auctioneer (Public Automobile)". The dropdown menu is currently set to "A&E - Architects".

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Verify Home

License Search and Verification

For best results, please limit the number of search fields. Only exact matches will be displayed
Construction" and "Smith & Smith Construction."

After you submit the search form, your results will appear below the form in this window (the
further down the search form.

Firm or Last Name

License #

First Name

Profession

A&E - Architects

Middle Name

Home Improvements

Home Inspectors

Investigative Training Company

L.P. Gas Dealer

L.P. Gas Manager / Responsible Emp.

Landscapers

Limited Licensed Electricians

Limited Licensed Plumbers

Locksmith Firm

Locksmiths

MFGR Housing Installer

MFGR Housing Manufacturer

MFGR Housing Retailer

MFGR Retailer/Installer Supporting License

Modular BLDG Construction Inspection Agency

Modular BLDG Design Review Agency

Modular BLDG Unit Dealer

Modular BLDG Unit Installer

Modular BLDG Unit Manufacturer

Motor Vehicle Auctions

Motor Vehicle Dealers

Smith and Smith

ow, please scroll

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Verify Home

License Search and Verification

For best results, please limit the number of search fields. Only exact matches will be displayed
"Smith and Smith Construction" and "Smith & Smith Construction."

After you submit the search form, your results will appear below the form in this window (the
please scroll further down the search form.

Firm or Last Name

License #

First Name

Profession

Court Reporters

Barber - Cosmetology

Barbers

Boxing Program

Collections Agency

Collections Branch Office

Collections Manager

Contractors

Cosmetology Licensees

Cosmetology Schools

Cosmetology Shops

Court Reporters

Display Exhibitors/Sponsors

Explosive User Permits-Blasters

Explosive User Permits-Handlers

Explosive User's Permits-Firms

Fire Compliant Cigarette

Fire Extinguisher Agents

Fire Extinguisher Systems

Fire Protection Sprinklers Systems

Funeral - Cemetery

Funeral - Embalmer

W,

1 Perpetrators and coconspirators Parker Still and Cynthia F. Davidson went
2 on and on about Heather-Ann:Tucci:Jarraf not having a law license when they
3 don't have one either. They intentionally lied to and misled the grand jury and trial
4 jury into thinking Heather-Ann:Tucci:Jarraf had violated some law by the
5 assistance she gave Randall-Keith:Beane and his trust. She was a lawyer for Mr.
6 Beane's trust and there was no law violation in that.

7 The perpetrators and coconspirators implied Heather-Ann:Tucci:Jarraf
8 illegally practiced law without a license to negate any argument that she was a
9 lawyer helping a client so that they could charge her with their fake version of
10 money laundering. They had to make Heather-Ann:Tucci:Jarraf's assistance to
11 Randall-Keith:Beane's trust a "crime" before they could charge her with their new
12 definition of money laundering.

13 The goal of these perpetrators was to dirty up Mrs. Tucci:Jarraf by: 1)
14 Accuse her of trying to break Randall-Keith:Beane out of jail (Grand Jury
15 Transcript, P. 56-57, Line 25, 1-3); 2) Accuse her of illegally practicing law
16 without a license (Grand Jury Transcript, P. 20, Line 2-9; P. 52, Line 6-8; Trial
17 Transcript, Volume I, P. 37, Line 13-18) ; 3) Disparage her UCC filings by calling
18 them gobbledygook (Trial transcript, Volume 6, P. 86, Line 22-23); and 4) Accuse
19 her of money laundering based on their fake definition of money laundering.

1 **XX) Jurisdiction Report (C. Clifford Shirley) Report and**
2 **Recommendation -- Court Document 62 - Filed 11/16/17 - 16**
3 **pages P. 8, last ¶**

4
5 Perpetrator and Coconspirator C. Clifford Shirley said:

6
7 ■ **“A. This Court has Jurisdiction Over the Charges and the Defendants”**

8
9 ■ **“Article III, section 1, of the United States Constitution provides in pertinent**
10 **part that the “judicial power of the United States shall be vested in one**
11 **Supreme Court, and in such inferior courts as the congress may from time to**
12 **time ordain and establish,” U.S. Const. Art. III, §1.”**

13
14 ■ **“Section 2 explains that the “judicial power shall extend to all cases, in**
15 **law and equity, arising under this constitution, [and] the laws of the**
16 **United States[.] “U.S. Const. Art. III, §2, cl.1.”**

17
18 ■ **“By statute, Congress has declared that the “district courts of the United**
19 **States shall have original jurisdiction, exclusive of the courts of the States,**
20 **of all offenses against the laws of the United States.” 18 U.S.C. §3231.”**

21
22 Perpetrator and coconspirator C. Clifford Shirley said the Court had

23 Jurisdiction based on the Constitution, Article III, Section 1. Courts which
24 proceed according to statutory jurisdiction are inferior courts. Courts designated as
25 courts of record, as every district court is (28 U.S. Code § 132 – Creation and
26 composition of district courts – Att. #8), may act as statutory courts **unless the**
27 **parties to a case object**. The "judge" has no discretion in a court of record, and
28 can only do ministerial functions, such as signing your orders. Courts of Record
29 must proceed according to the course of the common law, without the aid of a
30 statute. **“There is a general rule that a ministerial officer who acts wrongfully,**

1 although in good faith, is nevertheless liable in a civil action and cannot claim the
2 immunity of the sovereign.” (Cooper v. O’Conner, 99 F.2d 133)

3 Perpetrator and conspirator C. Clifford Shirley further asserts
4 authority given in Constitution Article III, Section 2, Clause 1. However, that
5 judicial power extends to controversies to which the United States is a Party. The
6 United States of America’s “Party” status was never examined to determine if it
7 had standing and if there was subject matter jurisdiction. The United States was
8 not a Party. The plaintiff was the United States of America. That’s a different
9 corporate entity. Neither is a government. The United States and the United States
10 of America are both corporations and neither showed standing. Neither was
11 represented by a living soul to move the court. The representing prosecuting
12 attorney cannot lawfully do that.

13 Perpetrator and conspirator Shirley goes on to assert authority given in 18
14 U.S.C. §3231 (Att. #24) First, all district courts are courts of record. (28 U.S.
15 Code § 132 - Att. #8) Second, one cannot commit an offense against the laws.
16 (See Att. #9.3 for definition of “offense”) You can violate the law. You can
17 breach the law. But you cannot commit an offense against the law. Section 3231
18 “offenses against the laws” is likely the crafty creation/editing of the Office of the
19 Law Revision Counsel (OLRC).

1 Perpetrator and conspirator C. Clifford Shirley and his coconspirators Anne-
2 Marie Svolto and Cynthia F. Davidson did not cite one law that was violated by
3 Randall-Keith:Beane or Heather-Ann:Tucci:Jarraf. They cited alleged evidence of
4 the law – not an actual law. (Att. #19 and #20)

5 **From the 16th American Jurisprudence, Second Edition, Section 177:**

6 "The general misconception is that any statute passed by legislators bearing the
7 appearance of law constitutes the law of the land. The U.S. Constitution is the
8 supreme law of the land, and any statute, to be valid, must be
9 in agreement. It is impossible for both the Constitution and a law violating it
10 to be valid; one must prevail. This is succinctly stated as follows:

11 "The general rule is that an unconstitutional statute, though having the form and
12 name of law, is in reality no law, but is wholly void, and ineffective for
13 any purpose; since unconstitutionality dates from the time of its enactment,
14 and not merely from the date of the decision so branding it. As
15 unconstitutional law, in legal contemplation, is as inoperative as if it had never
16 been passed. Such a statute leaves the question that it purports to settle just as it
17 would be had the statute not been enacted."

18 "Since an unconstitutional law is void, the general principles follow
19 that it imposes no duties, confers no right, creates no office, **bestows no**

1 **power or authority on anyone**, affords no protection, and **justifies no acts**
2 **performed under it...**"

3 "A void act cannot be legally consistent with a valid one. An
4 unconstitutional law cannot operate to supersede any existing valid law. Indeed, in
5 so far as a statute runs counter to the fundamental law of the land, it is
6 superseded thereby. No one is bound to obey an unconstitutional law and no
7 courts are bound to enforce it."

8 Furthermore, section 3231 is not one of the two ways a federal court gains
9 subject matter jurisdiction. Federal question jurisdiction is one of the **two ways**
10 **for a federal court to gain subject matter jurisdiction over a case.** (28 U.S.
11 Code § 1331) The other way is through diversity jurisdiction. (28 U.S. Code §
12 1332) (Att. #5, #6, and #7) They both pertain to civil actions.

13 Article III specifies Judicial Powers. Congress does not have the power to
14 grant judicial power. Congress is restricted to 18 tasks. Congress was granted the
15 power under task number 9 – “To make rules for the government...” to include the
16 US codes, statutes, rules, regulations and policies written by congress for those
17 working in the government. Congress was given this authority by the people to
18 control the behavior of those in positions of emolument. Congress was given the
19 authority to make all Laws which shall be necessary and proper for carrying into
20 execution the eighteen (18) tasks enumerated.

1 “All laws, rules and practices which are repugnant to the Constitution are
2 null and void.” (Marbury v. Madison) “Where rights secured by the Constitution
3 are involved, there can be no rule making or legislation which would abrogate
4 them.” (Miranda v. Arizona)

5 Congress does not have the power to declare anything beyond those 18
6 constitutional tasks and Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf’s case
7 does not and did not fit within congress’ 18 task jurisdiction.

8 **“...it is from the constitution that those legislators derive their power:
9 how then can they change it, without destroying the foundation of their own
10 authority?”** (Law of Nations, P. 95 – Att. #59.1, #59.2)

11
12 The perpetrators and coconspirators, on numerous occasions, said their
13 victim was USAA Bank thereby admitting they knew United States of America did
14 not have standing, but they brought the prosecution anyway. Why? It was not a
15 court of law or justice. It was not a lawful prosecution. It was a conspiracy to
16 falsely imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

17 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 9, 1st ¶**

18 ■ **“Moreover, any offense against the United States begun in one district
19 and completed in another, or committed in more than one district, may be inquired
20 of and prosecuted in any district in which such offense was begun, continued, or
21 completed. 18 U.S.C. § 3237(a). The Defendants are charged with wire fraud,
22 bank fraud, and money laundering, allegedly occurring in the Eastern District of
23 Tennessee. Because the Defendants are charged with violations of federal law,
24 i.e., 18 U.S.C. §§ 1343, 1344, and 1956, in this district, the United States District
25 Court for the Eastern District of Tennessee unquestionably has jurisdiction over
26 this case.”**
27

1 The trial transcript says USAA Bank was the victim so there was no offense
2 against the United States or United States of America. The plaintiff was United
3 States of America – not United States – two different corporations. Trial
4 transcript:

5 • A “In this case, **USAA is our victim.**” (Prosecutor Cynthia Davidson
6 Questioning FBI Special Agent Parker Still, Trial Transcript Volume I, Pg.
7 24, line 19-20)

8
9 • Q So at that point, you had determined that USAA Bank was the
10 victim before looking at any other information?

11
12 A I – at that time, yes. (Heather-Ann:Tucci:Jarraf Cross-Examination
13 of FBI Special Agent Parker Still, Trial Transcript Volume I, Pg. 50-51, line
14 25; 1-2)

15
16 • A The victim bank, you know – or USAA” (Heather-Ann:Tucci:Jarraf
17 Cross-Examination of FBI Special Agent Parker Still, Trial Transcript
18 Volume I, Pg. 64, line 13)

19
20 According to the U.S. Code 18 U.S.C. §§ 1343, 1344, 1956 and 1957 is not law.
21 It is evidence of the law:

22
23 • 1 USC § 204 tells us -- Codes and Supplements as evidence of the laws of
24 United States; (Att. #19)

25
26 • 1 U.S. Code § 112. Statutes at Large; contents; admissibility in evidence
27 -- “The United States Statutes at Large shall be legal evidence of
28 laws...” (Att. #20)

29
30 Evidence of the law is not the law. Perpetrator and conspirator C. Clifford
31 Shirley did not cite the law.

32
33 C. Clifford Shirley Report and Recommendation, Doc. 62, P. 9, 2nd ¶

34
35 ■ “Defendant Beane was taken into custody on an **arrest warrant...**”

1 You notice perpetrator and coconspirator C. Clifford Shirley doesn't want to
2 say it was a SOUTH CAROLINA arrest warrant. He describes the arrest warrant
3 for Mrs. Tucci:Jarraf as a "federal arrest warrant," but for Mr. Beane he just says
4 "arrest warrant." He knows the South Carolina warrant wasn't valid or applicable
5 to Tennessee.

6 The first time the perpetrators and coconspirators arrested Randall-
7 Keith:Beane was July 11, 2017. The FBI used a South Carolina statewide
8 misdemeanor traffic related bench warrant that was disposed of two years earlier.
9 It was NOT an outstanding warrant or a national/international warrant. The
10 disposition date is July 17, 2015. (Att. #2.1) The warrant reads:

11 "To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace
12 Officers of the said State Greetings." (Att. #1.2)

13
14 There's nothing in the disposed of South Carolina warrant giving the FBI
15 jurisdiction. The FBI's jurisdiction per 18 U.S. Code § 3052 (Att. #15) is for
16 warrants issued under the authority of the United States. Mr. Beane was not "...
17 taken into custody on an arrest warrant," he was kidnapped and Shirley knew it!

18 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 9, 2nd ¶**

19
20 ■ "Defendant Tucci:Jarraf was brought before the Court on a **federal arrest**
21 **warrant.**"

22
23 On or about July 19, 2017 the United States District Court for the Eastern
24 District of Tennessee issued fraudulent fictitious signed arrest warrants for

1 Heather-Ann:Tucci:Jarraf and Randall-Keith:Beane. The arrest warrants were
2 supposed to be signed by then clerk, Debra C. Poplin. The warrants appear to have
3 been signed with a fictitious name – “A. Brush.” Both federal arrest warrants are
4 invalid because they were not signed according to U.S. Code Rule 9 (Arrest
5 Warrant or Summons on an Indictment) – “(b) **Form.** (1) Warrant. The warrant
6 must conform to Rule 4(b)(1) except that it must be signed by the clerk...” (Att.
7 #10) Mrs. Tucci:Jarraf was not “...taken into custody on an arrest warrant.” She
8 was kidnapped and perpetrator and coconspirator C. Clifford Shirley knew it!

9 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 10, 2nd ¶, P. 11.**
10 **2nd ¶**

11
12 ■ “The Defendants claim that the United States is a corporation based upon 28
13 U.S.C. § 3002(15). This statute only defines certain terms as used in the
14 Federal Debt Collection Procedures Act.”

15
16 ■ “Defendant Tucci:Jarraf’s and Defendant Beane’s assertion or “declaration”
17 that the United States is a corporation is also frivolous.”

18
19 ■ “Subsection (15) defines the “United States,” *when used in the Federal*
20 *Debt Collection Procedures Act*, as including (A) “a Federal corporation”

21
22 28 U.S.C. § 3002(15) says: “United States” means – (A) a Federal

23 corporation. It DOES NOT say “when used in the Federal Debt Collection
24 *Procedures Act*.” Perpetrator Shirley changed “as used” to “when used.”

28 U.S. Code § 3002 - Definitions

(15) "United States" means—

U.S. Code	Notes
As used in this chapter:	
(1) " <u>Counsel for the United States</u> " means—	(A) a Federal corporation; (B) an agency, department, commission, board, or other entity of the <u>United States</u> ; or (C) an instrumentality of the <u>United States</u> .

Perpetrator and coconspirator C. Clifford Shirley clearly learned the word

“frivolous” from the IRS corporation. That’s one of their favorite words to use

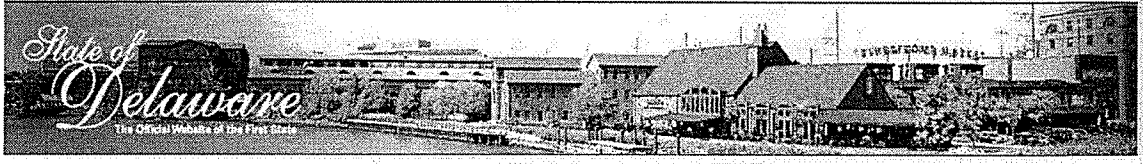
when the law is not on their side and they know it.

United States of America and “the” United States of America are both

Delaware registered corporations used to usurp the People’s Republic government.

<https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> (Att. #67 and #68)

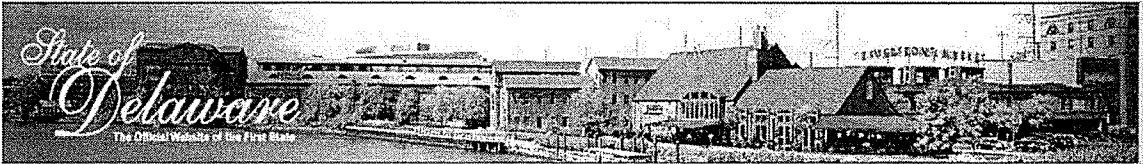
Delaware.gov Governor | General Assembly | Courts | Elected Officials | State Agencies



Department of State: Division of Corporations [Allowable Characters](#)

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Department of State: Division of Corporations [Allowable Characters](#)

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About Agency Secretary's Letter Newsroom Frequent Questions Related Links Contact Us Office Location	<p>THIS IS NOT A STATEMENT OF GOOD STANDING</p> <p>File Number: 2193946 Incorporation Date: 4/19/1989 Formation Date: (mm/dd/yyyy)</p> <p>Entity Name: UNITED STATES OF AMERICA, INC.</p> <p>Entity Kind: Corporation Entity Type: Exempt</p> <p>Residency: Domestic State: DELAWARE</p> <p>REGISTERED AGENT INFORMATION</p> <p>Name: THE COMPANY CORPORATION</p> <p>Address: 251 LITTLE FALLS DRIVE</p>	
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THE UNITED STATES and UNITED STATES OF AMERICA are not the nation. They are corporations. They are called “federal government” but they are not. They operate under private international law with their own corporate

1 constitution – not the people’s organic constitution. “Federal” agencies and
2 departments are also corporations and subsidiaries of THE UNITED STATES -
3 UNITED STATES OF AMERICA INC., CENTRAL INTELLIGENCE
4 AGENCY, FEDERAL LAND ACQUISITION CORP., INTERNAL REVENUE
5 TAX & AUDIT (IRS), THE SOCIAL SECURITY CORP., UNITED STATES
6 TREASURY, etc. Per contract law, each corporation name is designated in all
7 capitals. Given each American’s name was turned into an all capitals corporation
8 this helps to distinguish from a living soul. All court documents have Mr. Beane
9 and Mrs. Tucci:Jarraf’s appellation written in ALL CAPITAL LETTERS to make
10 clear they are dealing with the corporation and contract law – not the living soul –
11 but they kidnapped and falsely imprisoned the living soul.

12 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 12, First ¶**
13

14 ■ **...the Uniform Commercial Code is not a law and has no legal force or**
15 **effect in and of itself**, but instead is a proposed model code developed to
16 promote uniformity in commercial transactions in the various states. Each
17 state adopts its own commercial code.
18

19 **DEFINITION - UNIFORM LAWS.** A considerable number of laws
20 have been approved by the National Conference of Commissioners on Uniform
21 State Laws... Among the more important of these laws are the Uniform Negotiable
22 Instruments Act which has been adopted in all the states as well as in the District
23 of Columbia, Alaska, Hawaii, the Philippine Islands, and Porto Rico. (Black’s

1 Law Dictionary, 4th Edition, P. 1701) The **Uniform Commercial Code** (U.C.C.)
2 is the code that **regulates all negotiable instruments**.

3 Perpetrator and conspirator C. Clifford Shirley's goal was to discredit
4 Heather-Ann:Tucci:Jarraf's UCC filings. He knows the Uniform Commercial
5 Code is treated as law. Tennessee legislature says the UCC is law. Tennessee
6 codified the Uniform Commercial Code at **47-1-101: (a)** Chapters 1-9 of this title
7 shall be known and may be cited as the Uniform Commercial Code. (Att. #56)

8 **Tennessee Code 47-1-103.** Construction of chapters 1-9 to promote their
9 purposes and policies — Applicability of supplemental **principles of law** - (3) **To**
10 **make uniform the law among the various jurisdictions**. (Att. #57)

11 Perpetrator and conspirator C. Clifford Shirley's assertion that each state
12 adopts its own commercial code is hogwash and deceitful. If each state/territory
13 came up with its own commercial code it wouldn't be **uniform** laws, would it?
14 Their numbering system may vary but the code is the same.

15 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 12, 1st ¶, 2nd ¶**

16 ■ "The Defendants have provided no authority for their contention that they
17 can file a UCC Financing Statement Amendment in Washington D.C. and
18 somehow divest every federal court nationwide of the ability to prosecute
19 them for federal crimes."
20

21 ■ "Second, the Defendants' filings are sham UCC Financing Statement
22 Amendments, wherein Defendant Tucci:Jarraf purports to amend a UCC
23 Financing Statement but references no current record to be amended or
24 supplemented."
25

1 The authority is in the UCC filings. If perpetrator and conspirator C.
2 Clifford Shirley did not understand the UCC filings he had an obligation under the
3 code of conduct for United States judges to “(3) obtain the written advice of a
4 disinterested expert on the law...”

5 Heather-Ann:Tucci:Jarraf’s UCC filings is one of the many reasons the
6 federal court did not have jurisdiction. There is little doubt that perpetrator and
7 conspirator C. Clifford Shirley understands that commercial processes under the
8 UCC are non-judicial. He understands they are summary processes more powerful
9 than judicial processes. If he didn’t understand the UCC he certainly could have
10 contacted the IRS for a crash course. The IRS creates the most activity of
11 commercial collection. The SBA (U.S. Small Business Administration) uses a
12 general security agreement (UCC) designating business assets as collateral, e.g.
13 machinery and equipment, furniture and fixtures, etc.

14 There’s also little doubt perpetrator and conspirator C. Clifford Shirley
15 understands EVERYTHING is commercial and the UCC governs all commercial
16 transactions. UCC controls how most business is done in the US and much of the
17 world.

18 Perpetrator and conspirator C. Clifford Shirley could have easily referred to
19 Article 9 of the Uniform Commercial Code for an understanding of perfected
20 judgments. Perpetrator and conspirator C. Clifford Shirley knows that silence is

1 consent. Heather-Ann:Tucci:Jarraf explained during the trial an un rebutted
2 affidavit stands as truth in commerce. An un rebutted affidavit is acted upon as the
3 judgment in commerce. The secured creditor can take possession of collateral
4 without judicial process after default “without breach of the peace” under UCC 9-
5 609. Failure to submit a categorical point-for-point rebuttal of the UCC filings in
6 the form of a commercial affidavit leads to a perfected judgment. An uncontested
7 affidavit is taken as true in support of a summary judgment. Perpetrator and
8 conspirator C. Clifford Shirley understands even in court the allegations are
9 considered true if the affidavit is un rebutted:

10 **Group v. Finletter**, 108 F.Supp. 327 (1952)

- 11
- 12 • **“Defendant has filed no counter-affidavit, and therefore for the purposes**
13 **of the motion before the Court, the allegations in the affidavit of plaintiff**
14 **must be considered as true”**
- 15

16 **United States v. W Kis**, 658 F2d 526

- 17
- 18 • **“It requires that the taxpayer answer the Government's case through**
19 **responsive pleadings, supported by affidavits that allege specific facts in**
20 **rebuttal. Any uncontested allegations of the Government's must be**
21 **accepted as admitted.”**
- 22

23 In the uniform commercial code there is a rebuttable presumption. Facts are
24 assumed to be true until they are rebutted. UCC § 1-206. Presumptions (Att. #23)
25 It provides that **“the trier of fact must find the existence of the fact unless and**
26 **until evidence is introduced that supports a finding of its nonexistence.”**

27 Perpetrator and coconspirator C. Clifford Shirley was the “trier in fact.” He knew

1 Mrs. Tucci:Jarraf's UCC filings have not been rebutted so they stand as truth and
2 fact. He knew the court did not have subject matter or personal jurisdiction. He
3 knew it!

4 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 13, Last ¶**

5 ■ "Finally, the Defendants' UCC filings do not constitute a lawful
6 judgment. At the October 18 motion hearing, Defendant Tucci:Jarraf argued
7 that her "Declaration of Facts," which was stated on the UCC Financing
8 Statement Amendment forms, constituted a "perfected judgment." [Doc. 61,
9 Trans., pp. 4, 7-11, 15, 22] She contends that this "judgment" is binding on
10 the Court because she alleged these facts and no one has rebutted them. She
11 claims, as one of her ten "maxims of law," that a "duly sworn, verified, and
12 validated declaration, made with due signature and seal, duly unrebutted
13 specifically and particularly, stands as law." [Doc. 43, p.3] At the motion
14 hearing, Defendant Tucci:Jarraf could provide no legal authority for this
15 maxim and could only assert that it is universally known. [Doc. 61, Trans.,
16 pp.14-16] As Defendant Tucci:Jarraf, who was formerly a licensed attorney,
17 well knows, a "judgment" is "[t]he official and authentic decision of a court
18 of justice upon the respective rights and claims of the parties to an action or
19 suit therein litigated and submitted to its determination."
20

21 With this statement, **"a "judgment" is "[t]he official and authentic**
22 **decision of a court of justice upon the respective rights and claims of the**
23 **parties to an action or suit therein litigated and submitted to its**
24 **determination,"** perpetrator and conspirator C. Clifford Shirley nullified every
25 UCC judgment in which vehicles, homes, businesses, bank accounts or other
26 property was seized through the UCC process. He just said that process is illegal
27 because a "judgment" is the exclusive domain of a court. Everyone should ask for

1 their property to be returned based on C. Clifford Shirley's "UCC judgment"
2 definition.

3 Through the Uniform Commercial Code, around 2012, Heather-
4 Ann:Tucci:Jarraf foreclosed on the US corporate government and all other private
5 corporations operating under the guise of government. According to Heather-
6 Ann:Tucci:Jarraf, "So when it went un rebutted, it's a matter of law at that point. A
7 declaration un rebutted stands as law. And it was entered into the Uniform
8 Commercial Code, which is a notification system, and that is actual due notice.
9 However, there were courtesy copies and courtesy notices, personal service done
10 around the world on top of that. " (Proceedings Before C. Clifford Shirley, Jr.,
11 October 18, 2017, P. 8-9, Line 24-25; 1-5 – no court document number)

12 Acquiescence is acceptance by keeping quiet or by not making objections.
13 Default comprises your agreement that all issues pertaining to the UCC filing are
14 deemed settled and closed. The process of putting the world on notice through the
15 UCC notification system is known as perfection. Creation and perfection are
16 discussed under UCC Article 9. A perfected lien is treated as a judgment.
17 Perpetrator and conspirator C. Clifford Shirley had an obligation to make sure he
18 and his coconspirator prosecutors understood the Uniform Commercial Code
19 including hiring a UCC expert to remove all doubt. .

1 Heather-Ann:Tucci:Jarraf offered to provide perpetrator and conspirator C.
2 Clifford Shirley with authority for the summary judgment. However, he did not
3 give her the research time to gather that information for him. He didn't really want
4 it. He knew what she said was correct.

5 It is a fundamental maxim of law that ignorance of the law is no excuse to
6 violating it. One such maxim is as follows: "Ignorance of the fact excuses;
7 ignorance of the law excuses not. Every man must be taken to be cognizant of the
8 law; otherwise there is no saying to what extent the excuse of ignorance may not
9 be carried." What exactly did perpetrator and conspirator C Clifford Shirley
10 believe to be his responsibility? He wasn't doing his job and operating a court of
11 record so it's hard to know. He had law clerks. It was his job to research the
12 UCC. Ignorance is not an excuse for violating the rights of Americans, including
13 due process, especially by those who have taken an oath to uphold the law. It's
14 safe to conclude ignorance had nothing to do with it. It was all about the
15 conspiracy plot.

16 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 14, 2nd ¶**
17

18 ■ "The Defendants argue that, as a result of their alleged "foreclosure" and
19 "judgment" (both of which have been discounted above), the only authority
20 over them is that to which they consent. **The Defendants contend that they**
21 **do not give this Court jurisdiction over them and demand that the**
22 **Court file their proposed order, dismissing the case.** While the
23 Defendants deny that they are "sovereign citizens," they assert the typical
24 argument of those espousing sovereign citizen views, which is that the
25 defendant is sovereign and above the law. Here, the Defendants argue that

1 they are not subject to the jurisdiction of the United States Courts because
2 they have not consented to the Court's authority over them and that
3 indictments may only be issued by the individual who is charged therein."
4

5 Perpetrator and conspirator C. Clifford Shirley was in a district court which
6 is **a court of record**. (Att. #8) Randall-Keith:Beane and Heather-

7 Ann:Tucci:Jarraf instructed him as is the process in a court of record common law
8 court. He acknowledges he ignored that instruction and trespassed the law
9 committing an injury to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

10 How did perpetrators and coconspirators Thomas A. Varlan and C. Clifford
11 Shirley get subject matter and personal jurisdiction?

- 12 • They unlawfully took it by using the intentionally vague and deceitful 18
13 U.S.C. § 3231 meant to be a catch-all to claim jurisdiction where there is
14 none.
15
- 16 • They didn't get jurisdiction from a sworn complaint and affidavit from the
17 plaintiff because there wasn't one.
18
- 19 • They didn't get jurisdiction from the plaintiff having a cause of action or
20 standing because it didn't. The United States of America and the United
21 States are corporations and did not suffer a loss. (Att. #33.2)
22
- 23 • They didn't get jurisdiction by charging Randall-Keith:Beane and Heather-
24 Ann:Tucci:Jarraf for crimes against the United States because they admit
25 there was no crime against the United States. They admit at several points
26 their "victim" was USAA Bank.
27
- 28 • They didn't get jurisdiction from the FBI because the FBI did not have
29 jurisdiction,
30
- 31 • They didn't get jurisdiction as the result of a probable cause hearing because
32 there was no probable cause hearing.

- They didn't get jurisdiction from a South Carolina statewide misdemeanor traffic related bench warrant disposed of two years earlier,
- They didn't get jurisdiction from the fraudulent Tennessee district court arrest warrants for Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf in which both arrest warrants are invalid because they were not signed by the clerk per US Code Rule 9. (Att. #10)
- They didn't get jurisdiction by consent though subject matter jurisdiction cannot be granted by consent.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

Perpetrator and conspirator C. Clifford Shirley knew the court did not have jurisdiction. He knew he trespassed the law and that is the likely reason for him bringing up the old and tired "sovereign citizen" oxymoron as if it had anything to do with the price of tea in China.

C. Clifford Shirley Report and Recommendation, Doc. 62, P. 15, Last ¶

- "The jurisdiction of this Court is provided by statute, 18 U.S.C. § 3231, and the Defendants were brought before the Court through valid legal process."

If two innocent Americans weren't falsely imprisoned we would burst into laughter instead of roll our eyes at this clear display of dishonesty. Perpetrator and conspirator C. Clifford Shirley knows the legal process was not valid – it was UNLAWFUL! The process due Mr. Beane and Mrs. Tucci:Jarraf was DENIED!

1 US Code § 3231 is evidence of the law. It is not law. US Supreme Court
2 held that state officials acting by "color of law" may be held personally liable for
3 the injuries or torts they cause and that official or sovereign immunity may not be
4 asserted.

5 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were brought to court by
6 means of felony kidnapping. One could hardly call it "valid legal process" when a
7 South Carolina statewide misdemeanor traffic related bench warrant disposed of
8 two years earlier and Tennessee district court fraudulent and fictitious signed arrest
9 warrants were used to arrest Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.
10 They used fraudulent warrants to kidnap, detain, and unlawfully imprison Randall-
11 Keith:Beane and Heather-Ann:Tucci:Jarraf. The perpetrators and conspirators
12 gave no thought to "valid legal process" because they were focused on achieving
13 the goal of the conspiracy – imprison Mr. Beane and Mrs. Tucci:Jarraf by whatever
14 means necessary.

15 **C. Clifford Shirley Report and Recommendation, Doc. 62, P. 16, 1st ¶**

16 ■ "After carefully considering the parties' filings and arguments and the
17 relevant legal authorities, the Court finds no basis to dismiss the Indictment.
18 For the reasons set forth herein, the undersigned **RECOMMENDS** that
19 Defendants' filing requesting the dismissal of the case [**Doc. 43**] be
20 **DENIED.**"

21
22 The case was a nefarious plot and conspiracy involving a crime ring – the
23 FBI, US Attorney Office, Knoxville County Sheriff, USAA Bank, NY Federal

1 Reserve Bank, Eastern District of Tennessee District Court, et al. – to falsely
2 imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. It's a
3 recommendation a coconspirator would make.

4 **XXI) Freudian Slips**

5
6 **Freudian Slip #1** - Perpetrator and conspirator Cynthia F. Davidson
7 admitted to the grand jury that it was a “bonafide” purchaser. Here are her words:

8 **Grand Jury Transcript, Page 40, Line 11-15**

9 “MS. DAVIDSON: Because all of the money that went to Whitney Bank
10 for the motor home is gone?

11
12 THE JUROR: Right, right.

13
14 MS. DAVIDSON: **Because that was a, you know, a bona fide**
15 **purchaser.**”

16
17 Randall-Keith:Beane was the only purchaser.

18
19 **DEFINITION:**

20
21 **Bona Fide Purchaser** - A purchaser in good faith for valuable
22 consideration and without notice. Neal v. Holt, Tex.Civ.App., 69 S.W.2d 603, 609.
23 A purchaser for a valuable consideration paid or parted with in the belief that **the**
24 **vendor had a right to sell**, and without any suspicious circumstances to put him
25 on inquiry. Merritt v. Railroad Co., 12 Barb., N. Y., 605. **One who acts without**
26 **covin, fraud, or collusion**; one who, in the commission of or connivance at **no**
27 **fraud**, pays fullprice for the property, and in good faith, honestly, and in fair
28 dealing buys and goes into possession. (Black’s Law Dictionary, 4th Edition, P.
29 224)

30 **Bona Fide Purchaser. N. Someone who buys property in good faith for**
31 **valuable consideration** and has no reason to believe anyone else has rights to the
32 property. (The Essential Law Dictionary, 2008, P. 57)

1 Perpetrator and coconspirator Cynthia F. Davidson's slip of the tongue to the
2 grand jury revealed her knowledge and understanding that Mr. Beane's motorhome
3 purchase was an honest business transaction without fraud or collusion.

4 **Freudian Slip #2** - Perpetrator and conspirator Cynthia F. Davidson had
5 another slip of the tongue during the trial when she said "During the theft **from** the
6 defendant, Randall Keith Beane..." (Trial Transcript, Volume II, P. 38, Line 4-5 -
7 Att. #31.3) Perpetrator and conspirator Cynthia F. Davidson was right. Mr. Beane
8 is the victim of theft. Perpetrator and conspirator Cynthia F. Davidson knew Mr.
9 Beane did nothing wrong and that he was, in fact, the victim but she prosecuted
10 him anyway.

11 **Freudian Slip #3** - Perpetrator and coconspirator Parker Still had his own
12 slip when explaining to the grand jury that Mrs. Tucci:Jarraf has knowledge of the
13 funds he and his coconspirators told the jury don't exist. Perpetrator Still stated,
14 "And her knowledge of -- how do I say this, **she has knowledge of these funds...**"
15 (Grand Jury Transcript, P. 52, Line 3-4) What funds? The funds he told the grand
16 jurors don't exist because the account number is "fictitious" and "invalid?" (GJT,
17 P. 27, Line 9-13; GJT, P. 32, Line 3-4; GJT, P. 39, Line 7-8)

18 **XXII) Privacy Violations**

19 Mr. Beane has the right to privacy and confidentiality free from unwarranted
20 invasion. Buddy Gregg RV's & Motor Homes violated Mr. Beane's privacy by

1 revealing information about Randall-Keith:Beane without receiving a subpoena.
2 Buddy Gregg's sales manager, Jerald Byrne, said they were under threat of being
3 charged with "obstruction of justice," but they still had an obligation to protect Mr.
4 Beane's privacy given they did not receive a court order to divulge personal
5 information. They chose to join in the conspiracy.

6 Perpetrators and coconspirators Parker Still and Cynthia F. Davidson made a
7 point of saying: "the banking part of USAA is federally **backed by** the Federal
8 Deposit Insurance Corporation commonly referred to as **the FDIC**." (Cynthia
9 Davidson Questioning Parker Still -- Grand Jury Transcript, P. 3, Line 18-20)

10 USAA Bank was obligated to adhere to the FDIC's regulations regarding
11 privacy of consumer financial information -- 12 CFR § 332.10.

12 **12 CFR § 332.10 Limits on disclosure of non-public personal information to**
13 **nonaffiliated third parties.**

14
15 (a)(1) **Conditions for disclosure.** Except as otherwise authorized in this part, you
16 may not, directly or through any affiliate, disclose any nonpublic personal
17 information about a consumer to a nonaffiliated third party unless:

- 18 (i) You have provided to the consumer an initial notice as required under § 332.4;
19 (ii) You have provided to the consumer an opt out notice as required in § 332.7;
20 (iii) You have given the consumer a reasonable opportunity, before you disclose
21 the information to the nonaffiliated third party, to opt out of the disclosure; and
22 (iv) The consumer does not opt out.

23
24 USAA Bank did not file an official sworn complaint against Randall-
25 Keith:Beane. USAA Bank did not receive a subpoena for Mr. Beane's personal
26 information. USAA Bank cannot hide behind 12 U.S. Code § 3403

1 (Confidentiality of financial records) – “...notifying a Government authority that
2 such institution, or officer, employee, or agent has information which may be
3 relevant to a possible violation of any statute or regulation. Such information may
4 include only the name or other identifying information concerning any individual,
5 corporation, or account involved in and the nature of any suspected illegal
6 activity.”

7 USAA bank did not have a signed agreement from Mr. Beane nor did they
8 have a subpoena to release Mr. Beane’s private information when Mr. Beane was
9 arrested July 11, 2017. It was an illegal search and seizure in violation of the
10 fourth amendment as well as a violation of 12 U.S. Code § 3403 (a), (b), and (c).
11 Remember, USAA Bank lied about Mr. Beane altering his social security account
12 number by one digit so there was no “possible violation” as stated in 12 U.S. Code
13 § 3403. USAA Bank fabricated the violation. USAA Bank also knew the FBI did
14 not have jurisdiction to investigate their made up violation.

15 USAA Bank totally disregarded Mr. Beane’s privacy rights. Perpetrator and
16 conspirator True Brown sent the following email (among others) to his former FBI
17 comrade perpetrator and conspirator Parker Still without force of law and without
18 filing an official sworn affidavit complaint against Mr. Beane.

1 **From:** Brown, True
2 **Sent:** Tuesday, July 11, 2017 4:07 PM
3 **To:** 'parker.steill@ic.fbi.gov' <parker.steill@ic.fbi.gov>
4 **Subject:** Randall Beane

5 Parker

6 **I was wondering if you could provide an update as to status of effort to secure the RV.**

7
8 Also, this link was provided by Tom Grasso, a SSA in CIRFU which lays out the fraud scheme (of course he says it is
9 legit and you are entitled to the money)

10 <https://www.youtube.com/watch?v=R6Kk6oAu3kO>

11 The link is to a YouTube video from the Intellectual Freedom Movement on "pay your bills using your secret
12 account" - in the video the narrator (Harvey Dent) advises that everyone has a secret Social Security Trust Account
13 which they can access to pay bills. The key is an indicator on your SSN card which will correspond to a specific
14 Federal Reserve Bank; **the account number is same as your SSN.**

15 In regard to our member, Randall K Beane; the acquisition of the CDs; the member entered the routing number for
16 the Federal Reserve Bank on NY and then for the account number entered his SSN (**with one digit altered**). The
17 member's correct SSN per USAA records and confirmed with open source credit reports was 243-three nine-1135*;
18 entered on the funding instructions for the CDs was account **244threenine1135***.

19 As far as the matter with our member, Randall Beane, **the loss amount is at approximately \$500,000**; in addition to
20 the purchase of the RV, the member paid off several **consumer loans and a credit card balance; all up totaling**
21 **\$43,458**. FCI is taking steps to have the payments **reversed and loans and credit card debt placed back on the**
22 **books**. The RV purchase includes a wire transfer of **\$493,110.68** and a debit card transaction of **\$10,000** to Buddy
23 Gregg Motor Home.

24 Again, we appreciate the assistance; pass on my regards to the McAllen crew. Hopefully they did not bring to many
25 bad habits to Knoxville. We tried our best to clean them up before they left the Valley.

26 True

27 True Brown
28 Director, Financial Crimes Investigation
29 Enterprise Financial Crimes Management, Enterprise Security Group, USAA
30 9800 Fredericksburg Road, San Antonio, Texas 78288
31 Desk: (210) 498-0853
32 Cell: (210) 508-6594
33 True. Brown(5) usaa.com

34
35 As you can see in the email, perpetrator and conspirator True Brown shared

36 Mr. Beane's financial information and social security account number with

1 perpetrator and coconspirator Parker Still without force of law or official sworn
2 complaint.

3 Per the email below, True Brown and USAA Bank solicited private
4 information about Randall-Keith:Beane from perpetrator and conspirator Parker
5 Still that they were not entitled to have. They did not file an affidavit complaint
6 against Mr. Beane. They were not the plaintiff in the case.

7 **From:** Brown, True [mailto:True.Brown@usaa.com]
8 **Sent:** Wednesday, July 12, 2017 9:10 AM
9 **To:** Still, Parker H. (KX) (FBI) <phstill@fbi.gov>
10 **Subject:** Information request on arrest and RV

11 Now that the smoke has cleared a little; are you in a position to advise: 1. **what charges Randall
12 Beane was arrested/detained on**

13 2. Do you have any info on the RV such as the VIN (trying to
14 get a pic for my management) - if I have VIN I can go to dealer website

15 3. **Do you anticipate charging Beane on complaint**

16 Again, **thank you again for jumping on this matter.** The quick actions taken has really impressed
17 **USAA Executive Management team.** Makes me proud of the organization .

18 Let me know what additional information you need and we will pull it.

19 True

20 Att. #63

The above email sounds more like a personal favor between conspiracy
plotters than a professional investigation.

An email dated Tuesday, July 18, 2017 sent at 2:13 pm (from perpetrator
and coconspirator True Brown to perpetrator and coconspirator Parker Still) shows
a **CD.activity.LE.xlsx** attachment. This is the only email provided that shows an
attachment. If this is the IP logs perpetrator and conspirator Parker Still referred to

1 in his trial testimony below then the USAA email and IP logs attachment was not
2 the basis for perpetrator and conspirator Parker Still determining Randall-
3 Keith:Beane had committed a crime. Still didn't receive this email and attachment
4 until seven (7) days after he had already arrested and assaulted Mr. Beane (arrest
5 date is 7/11/17). It means perpetrator and conspirator Parker Still did not have IP
6 logs on or about July 11, 2017. It means he had no complaint, no affidavit, and no
7 IP logs and yet he arrested, detained and imprisoned Mr. Beane. It means both
8 perpetrators True Brown and Parker Still were conspiring and discussing Mr.
9 Beane's private information with absolutely no lawful reason to do so.

10 Trial transcript: perpetrator and conspirator Parker Still was asked what
11 actual information he had to determine Mr. Beane had committed a crime:

12 **Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial**
13 **Transcript Volume I, P. 49-50, Line 22-25; 1-2; 23-24**

14
15 A I think it was attached to an e-mail from USAA. Again, and I
16 followed up with an interview.

17
18 Q Uh-huh. And what was this attachment?

19
20 A There was some notes I know, like I was describing, and then I think
21 there was some kind of maybe IP logs that showed a -- where, you know -- just IP
22 logs. Have no reason to doubt USAA's information that they provided to us.

23 (Att. #30.2)

1 Perpetrator and conspirator True Brown disclosed Randall-Keith:Beane's
2 private information without his consent and perpetrator and coconspirator Cynthia
3 F. Davidson did so as well. Trial transcript:

4 **Trial Transcript, Volume I, P. 134, Line 19-25**
5

6 **MS. DAVIDSON:** "Your Honor, in this case, the Social Security number
7 is very important, which is why we did not redact them prior to trial. I am
8 aware of the policy of the Court, and we are planning to redact the transcript before
9 it is written up. But, unfortunately, **I believe that his Social Security number is**
10 **very important for our exhibits and needs to be unredacted.**"
11

12 Perpetrator and coconspirator Cynthia F. Davidson's argument involved the
13 third digit of Mr. Beane's social security account number. There are six numbers
14 after the third that could have been redacted in compliance with privacy rights. All
15 she had to do was 243-XX-XXXX or really XX3-XX-XXXX. Here is perpetrator
16 and coconspirator Cynthia F. Davidson and Anne-Marie Svolto's social security
17 account number argument in a nutshell:

18 They argued that in order to access his treasury direct depository account
19 Mr. Beane changed his social security account number as follows:

20 **xx3-xx-xxxx to xx4-xx-xxxx**

21 They never bothered to explain how Mr. Beane would know to move the
22 third digit up one digit to make it work. Did Mr. Beane have psychic powers?
23 They didn't say.

1 None of the other digits had any relevance to their argument. It would have
2 been so easy to mask Randall-Keith:Beane's social security account number that
3 you have to ask why was perpetrator and conspirator Cynthia F. Davidson so
4 against it? She wanted Mr. Beane's full social security account number out there
5 for the world to see along with his birth date, full name and address. Why? Did
6 someone plan to access Mr. Beane's treasury direct depository account once he
7 was locked away?

8 They obtained Randall-Keith:Beane's personal records from his employer,
9 his banker (USAA Bank), his landlord, Buddy Gregg RV's & Motor Homes, etc.
10 and they had NO FORCE OF LAW to do it. Perpetrator and conspirator Parker
11 Still did not have jurisdiction to testify before the grand jury to secure a fake
12 indictment. Perpetrator and conspirator Parker Still used a South Carolina
13 statewide misdemeanor traffic related bench warrant that had been disposed of two
14 years earlier to arrest Randall-Keith:Beane. The case was void from jump street.

15 The Perpetrators and coconspirators violated Randall-Keith:Beane's privacy
16 over and over and over. They denied him the legal process due him. They
17 exceeded their authority. They are trespassers of the law.

18 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
19 **Volume I, P. 110, Line 4-7** - Trial excerpt:

20
21 Q And what is the Social Security number?

22 A 243-39-1135.

1 Q And the date of birth?

2
3 A It's 9/29/67.
4

5 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
6 **Volume I P. 112-113, Line 25, 1-2**
7

8 Q Okay. And if we could look at the Social Security number on this.

9 A The social is 243-39-1135.
10

11 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
12 **Volume I Trial Transcript, Volume I, P. 93, Line 20-24**
13

14 Q And what's that name?

15
16 A Randall Beane.
17

18 Q And also an address?

19
20 A 300 State Street, Apartment 365, Knoxville, Tennessee 37902.
21

22 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
23 **Volume I P. 117, Line 16**
24

25 A These, it's 300 State Street, Apartment 365.
26

27 **Cynthia Davidson Direct Examination of Monica Alcala Trial Transcript,**
28 **Volume I, P. 121, Line 17**
29

30 A 300 State Street, Apartment 365.
31

32 Heather-Ann:Tucci:Jarraf's elbow counsel (Mr. Lloyd) raised the privacy

33 issue and they just blew him off. Trial transcript:

34 **MR. LLOYD:** "The other thing is, I noticed that the exhibits that have gone in
35 most recently do have **identifying information** on them, **such as Social Security**
36 **numbers**. I wanted to ask the Court how the Court anticipates handling

1 compliance with the redaction policy of the district.” (Trial Transcript, Volume I,
2 P. 134, Line 12-16)

3
4 **THE COURT:** “Government have any thoughts in that regard?” (Trial Transcript,
5 Volume I, P. 134, Line 17-18)

6
7 **MS. DAVIDSON:** “Your Honor, in this case, the Social Security number is very
8 important, which is why we did not redact them prior to trial. I am aware of the
9 policy of the Court, and we are planning to redact the transcript before it is
10 written up. But, unfortunately, I believe that his Social Security number is very
11 important for our exhibits and needs to be unredacted.” (Trial Transcript, Volume
12 I, P. 134, Line 19-25)

13
14 **THE COURT:** “So why don't -- let me think about that. I mean, I understand the
15 government's position and I hear their response. So why don't y'all think about that
16 response and we can talk about it tomorrow if we need to.” (Trial Transcript,
17 Volume I, P. 135, Line 1-4)

18
19 **MR. LLOYD:** “Yes, Your Honor.” (Trial Transcript, Volume I, P. 135, Line 5)

20
21 Obviously tomorrow never came because the private data was not redacted.

22
23 Tennessee Code Annotated (T.C.A). § 10-7-515 prohibits document

24 preparers from placing personally identifying information on documents, for

25 purposes of T.C.A. § 10-7-515, “**personally identifying information**” means: (i)

26 **social security numbers.**

27 Constitutional Amendment IV does not speak directly to privacy rights but

28 it does say – “The right of the people to be secure in their persons, houses, papers,

29 and effects...” The people’s rights extend far beyond that which is enumerated in

30 the Constitution per Amendment IX—“The enumeration in the Constitution of

1 certain rights shall not be construed to deny or disparage others retained by the
2 people.”

3 There is also the Privacy Act of 1974 which governs the use of information
4 maintained by federal agencies. “No agency shall disclose any record which is
5 contained in a system of records by any means of communication to any person, or
6 to another agency, except pursuant to a written request by, or with the prior written
7 consent of, the individual to whom the record pertains.”

8 **XXIII) Punishment – Sentencing and Double Jeopardy**

9
10 Randall-Keith:Beane’s freedom has been stolen and his life turned upside
11 down. Mr. Beane has suffered numerous injuries at the hands of the perpetrators
12 and conspirators to include nine punishments for the same alleged violation. This
13 goes way beyond double jeopardy.

14 **Punishment #1 - Personal Money Judgment to the United States**

15
16 1) “The United States or* the government also seeks a
17 **personal money judgment** in favor of the government
18 and against the defendant for **\$553,749.99**, which the
19 government contends is the amount representing the
20 proceeds the defendant personally obtained as a result of
21 the defendant's criminal violations.” (Sentencing
22 Proceedings Before Thomas A. Varlan, Tuesday, July 24,
23 2018, Document 240, P. 10, Line 12-18 – Att. #78.2)

24
25 2) Stated again - **A money judgment in favor of the**
26 **United States and against the defendant, RANDALL**
27 **KEITH BEANE, for \$553,749.99**, which represents the
28 minimum amount of proceeds RANDALL KEITH
29 BEANE personally obtained. (Preliminary Order of

1 Forfeiture, Document 224, P. 2, Paragraph 1(b) – Att.
2 #77.2)

3
4 3) And again - ‘In total, the United States submits that
5 the amount the defendant personally obtained as a result
6 of the fraudulent purchase of the certificates of deposit
7 was at least **\$553,749.99**. **This amount (\$553,749.99)**
8 **is different from the restitution amount (\$510,589.02)**
9 **owed to the victim bank.** This is because some of the
10 payments the defendant made with the fraudulently
11 obtained funds went directly to the victim bank to pay
12 consumer loans the defendant had with the victim
13 bank.’(Motion For Entry of Preliminary Order of
14 Forfeiture, Doc 223 – P. 2 Footnote - Att. #66.2)

15
16 4) “...this Preliminary Order of Forfeiture will become
17 final as to the money judgment in the amount of
18 **\$553,749.99** at the time of sentencing, and **will be made**
19 **part of the sentence and included in the Judgment.”**
20 (Preliminary Order of Forfeiture, Document 224, P. 3,
21 Paragraph 5 – Att. #77.3) It is not in the judgment.

22
23 In the first paragraph of punishment #1 it says ““The
24 United States or* the government also seeks a **personal**
25 **money judgment** in favor of the government and against
26 the defendant for **\$553,749.99.**” Isn’t the United States
27 the government? Or is perpetrator and conspirator
28 Thomas A. Varlan saying the United States he’s referring
29 to is the corporation? 28 U.S.C. § 3002(15) --
30 “United States” means – (A) a Federal corporation

31
32 In the second paragraph of punishment #1,
33 perpetrators and conspirators said ‘**\$553,749.99**
34 represents the minimum amount of proceeds RANDALL
35 KEITH BEANE personally obtained, but True
36 Brown (USAA Bank Financial Crimes Investigator)
37 said in his July 11, 2017 (4:07 pm) e-mail “...the loss
38 amount is at approximately \$500,000.” (Att. #62.2)

1 In the third paragraph of punishment #1, perpetrators
2 and conspirators said "This is because some of the
3 payments the defendant made with the fraudulently
4 obtained funds went directly to the victim bank to pay
5 consumer loans the defendant had with the victim bank,"
6 but True Brown (USAA Bank investigator) said, in his
7 July 11, 2017 e-mail, (Att. #62.2) "...the member paid
8 off several consumer loans and a credit card balance; all
9 totaling \$43,458 and USAA financial crimes investigator
10 "is taking steps to have the payments reversed and loans
11 and credit card debt placed back on the books." If the
12 payments were reversed and placed back on the books
13 then they weren't paid off so why did perpetrators and
14 conspirators J. Douglas Overbey and Anne-Marie Svolto
15 say Mr. Beane received that amount? They padded the
16 figures.

17
18 In the fourth paragraph of punishment #1, perpetrators
19 and conspirators said the **\$553,749.99**
20 would be included in the Judgment. (Att. #77.3) It is
21 not listed in the judgment. Perpetrator and conspirator
22 Thomas A. Varlan completed the "preliminary order of
23 forfeiture" (Att. #77.3) and the "Judgment in a Criminal
24 Case" (Att. #26.1) 7/24/17, but the \$553,749.99
25 somehow didn't make its way into the judgment. It is,
26 nevertheless, a court order that can be enforced albeit
27 illegal and unlawful. Was the court order of \$553,749.99
28 intentionally left out of the judgment? We think so. Did
29 someone collect it? It's hard to imagine there would
30 be a court order for \$553,749.99 and no one collect it.

31
32 **Punishment #2** - **Criminal Monetary Penalties to Tenn. US Dist. Court**

33
34 "Having assessed the defendant's ability to pay,
35 payment of the total criminal monetary penalties is due as
36 follows:"
37
38
39
40

DEFENDANT: RANDALL KEITH BEANE
CASE NUMBER: 3:17-CR-00082-TAV-DCP(1)

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☒ Lump sum payments of \$ 511,289.02 due immediately, balance due

Judgment In A Criminal Case, Court Document 228, 07/24/18 (Att. #26.3)

Court Document 228 (Judgment in A Criminal Case – (Att. #26.3) says perpetrator and conspirator Thomas A. Varlan assessed Mr. Beane's ability to pay \$511,289.02 and determined he could not only pay the criminal monetary penalty, he also demanded Mr. Beane pay the **\$511,289.02** to the US District Court, Knoxville, Tennessee district court **IMMEDIATELY** and in a **LUMP SUM**.

There is no doubt perpetrator and conspirator Thomas A. Varlan knew Randall-Keith:Beane did not have **\$511,289.02** laying around. What did he assess to see an ability for Randall-Keith:Beane to pay him/his court **\$511,289.02** immediately in a lump sum, and is it the same source from which they collected the \$553,749.99 for the corporate United States?

The \$511,289.02 (for the Tennessee district court) plus the \$553,749.99 (for the United States) total \$1,065,039.01. Was the \$1,065,039.01 taken from the **\$31,000,494.97** that was in Mr. Beane's personal USAA bank account? (Att. #31.3) Or did perpetrator and conspirator Thomas A. Varlan peek into Mr. Beane's treasury direct depository account to assess his ability to pay \$511,289.02 to the Tennessee district court immediately in a lump sum? Those are the only two sources from which perpetrator and conspirator Thomas

1 A. Varlan could have “assessed Mr. Beane’s ability to
2 pay” and pay immediately in a lump sum.

3
4 **Punishment #3** - **Restitution to USAA BANK**

5
6 “It's further ordered that you shall make restitution
7 in the amount of **\$510,589.02** to USAA Bank in
8 accordance with 18 United States Code §§ 3663
9 and 3663(a) **or any other statute authorizing**
10 **restitution.**” (Sentencing Proceedings Before
11 Thomas A. Varlan, Tuesday, July24, 2018,
12 Document 240, P. 32; 14-18) Perpetrator and
13 conspirator Thomas A. Varlan doesn’t know
14 what “other” statutes authorize restitution?

15
16 “Restitution of **\$510,589.02** to: USAA BANK,
17 10750 W. INTERSTATE 10, SAN ANTONIO,
18 TX, 78288” (Judgment In A Criminal Case,
19 Document 228, 07/24/18 – Att. #26.2)

20
21 USAA Bank did not allege an “injury in fact.”
22 USAA Bank was not the plaintiff. USAA Bank
23 did not have a cause of action or standing so why
24 would USAA Bank be awarded **\$510,589.02** restitution?

25
26 The perpetrators and coconspirators used the corporation
27 United States of America (Plaintiff) to steal
28 **\$31,000,494.97 + \$553,749.99 + \$511,289.02 +**
29 **\$510,589.02 + \$503,110.68 (motorhome cost).**

30
31 The perpetrators and coconspirators used United States of
32 America corporation to shield USAA Bank Corporation
33 from liability for their false fraudulent accusations and
34 lies. USAA Bank would not step forward with a sworn
35 affidavit or complaint because they knew their
36 accusations and allegations against Mr. Beane were false.
37 Mr. Beane had a right to face his true accusers (the
38 scoundrels at USAA Bank) and he was denied that right
39 by the prosecuting fraudsters.
40

Punishment #4 - **Imprisonment**

“...it is the judgment of the Court as to Counts 1 through 7 that the defendant, Randall Keith Beane, is hereby committed to the custody of the Bureau of Prisons for a total term of imprisonment of 155 months. This sentence consists of a term of 120 months as to each of Counts 1 through 5 and 155 months as to each of Count 6 and 7 to run concurrently. (Sentencing Proceedings Before Thomas A. Varlan, Tuesday, July 24, 2018, Document 240, P. 32; 5-13)

“**IMPRISONMENT** - The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 155 Months. This sentence consists of a term of 120 months as to each of Counts One through Five, and 155 months as to Count Six and Seven with all counts to run concurrently. It is ordered that this sentence shall be served concurrently to **any anticipated state sentence in Jasper County, South Carolina**, District Court Docket Number 2014GS2700554” (Judgment In A Criminal Case, Document 228, 07/24/18, P. 2)

The South Carolina traffic related case has a disposition date of 7/17/2015 and they all know it including perpetrator and conspirator Thomas A. Varlan. The 7/17/2015 disposition date has been listed on the South Carolina Public Index since at least August 31, 2017 per the I-UV.com post – Att. #2.2. There is no saying the perpetrators did not know the case had been disposed of July 17, 2015 – two years earlier. The perpetrators and conspirators had to pretend all the way to the end that using the South Carolina bench warrant was lawful otherwise they admit to their own criminal conduct.

Punishment #5 - **DNA Collection** - **Violation of Privacy**

1 “You must cooperate in the collection of DNA as
2 directed by the probation officer.”

3
4 This is a violation of privacy and rights, and theft of
5 private property.

6
7 **Punishment #6** - **Unlawful Seizure of Private Property Motorhome**

8
9 “2017 Entegra Cornerstone 45B; 45 foot diesel
10 motorhome; VIN 4VZVU1E94HC082752; topaz in color
11 with eight wheels” (Preliminary Order of Forfeiture,
12 Document 224, P. 2, Paragraph 1(a) – Att. #77.2

13
14 The private property motorhome was illegally and
15 unlawfully seized and given to USAA Bank. It was
16 recently sold by Parkway RV Center.

17
18 **Punishment #7** - **Slave Wages**

19
20 .06 (six) cents per hour prison wage
21 \$25.00 per quarter must be sent to USAA Bank (416.67
22 hours of work @ .06 cent per hour).

23
24 USAA Bank was not the plaintiff and did not file a sworn
25 affidavit complaint against Mr. Beane.

26
27 Let’s not pretend six cents (0.06¢) per hour is
28 punishment for a crime in Mr. Beane’s case. It’s slave
29 labor. Randall-Keth:Beane was trafficked and is
30 being forced to work 416.67 hours per quarter to pay
31 \$25.00 to the corrupt current and former USAA Bank
32 CEO, president and fellow scoundrels Wayne Peacock
33 and Stuart Parker. If you’re not outraged by this
34 something is terribly wrong. This is **peonage,**
35 **involuntary servitude, slavery!** It is bondage; the
36 ownership of a man as chattel, and **the control of the**
37 **labor and services of one man for the benefit of**
38 **another,** and the absence of a legal right to the disposal
39 of his own person, property, and services in their entirety.
40

1 The prison sentence is the punishment. The unlawful
2 loss of freedom and liberty is the punishment. The SIX
3 CENTS PER HOUR IS THEFT OF HIS LABOR,
4 SLAVERY – FORCED LABOR – PEONAGE and a
5 violation of 18 U.S. Code § 1590. (Att. #40)

6 SAMUEL M. CLYATT v. UNITED STATES

7 **'Sec. 1990.** The holding of any person to service or labor under the system
8 known as peonage is abolished and forever prohibited in the territory of New
9 Mexico, or in any other territory or state of the United States; and all acts, laws,
10 resolutions, orders, regulations, or usages of the territory of New Mexico, or of any
11 other territory or state, which have heretofore established, maintained, or enforced,
12 or by virtue of which any attempt shall hereafter be made to establish, maintain, or
13 enforce, directly or indirectly, the voluntary or involuntary service or labor of any
14 persons as peons, in liquidation of any debt or obligation, or otherwise, are
15 declared null and void.'

16 **'Sec. 5526.** Every person who holds, arrests, returns, or causes to be held,
17 arrested, or returned, or in any manner aids in the arrest or return of any person to a
18 condition of peonage, shall be punished by a fine of not less than one thousand nor
19 more than five thousand dollars, or by imprisonment not less than one year nor
20 more than five years, or by both.'

21 "Every man has a natural right to the fruits of his own labor, is generally
22 admitted; and no other person can rightfully deprive him of those fruits, and
23 appropriate them against his will. [The Antelope, 23 U.S. 66, 10 Wheat 66, 6
24 L.Ed. 268 (1825)]

25
26 **Punishment #8** - **Unlawful Seizure of \$31,000,494.97 from Randall-**
27 **Keith:Beane's Private USAA Bank Account**
28

1 **\$31,000,494.97** was seized from
2 Randall-Keith:Beane's private USAA bank account
3 **without force of law**. The FBI, US Attorney, Knoxville
4 sheriff, Tennessee District Court, New York Federal
5 Reserve Bank and USAA Bank all worked together so
6 it's not clear who actually seized the \$31,000,494.97
7 from Mr. Beane's USAA bank account. USAA Bank
8 was responsible for protecting the account from unlawful
9 seizure without a warrant. Monica Alcala (USAA fraud
10 investigator) testified Mr. Beane successfully opened 32
11 CDs totaling \$31,000,494.974 from his treasury direct
12 depository account. (Att. #31.3)

13
14 **Punishment #9** - **Loss of voting right.**

15 The November 3, 2020 election was one of the most
16 consequential elections in the history of this country and
17 Mr. Beane was denied the right to choose to cast a
18 vote based on a fraudulently obtained indictment, a void
19 conviction, and false imprisonment.

20
21 We count nine punishments for the fabricated offense of fraud and money

22 laundering. Here's what the Constitution says:

23 **Amendment V**—"...nor shall any person be subject for the same offence to
24 be twice put in jeopardy of life or limb..." That's the **double jeopardy** clause and
25 it applies to imposing more than one punishment for the same offense. It is
26 unconstitutional to impose multiple punishments for the same "offense" no matter
27 how many counts you divide it into. Regardless of perpetrators and conspirators
28 color of law codes/statutes and counts, there were TWO "offenses" charged – fraud
29 and money laundering – but NINE punishments were handed down.

1 The perpetrators and conspirators managed to win a conviction without
2 proving either “fraud” or “money laundering.”. What a magic trick! Or was it a
3 money trick? Lots of money was involved in this case. Where or to whom did it
4 all go?

5 In punishment #1 perpetrator and coconspirator Thomas A. Varlan used his
6 position of emolument to wrongly order the immediate taking of \$511,289.02 for
7 the US District Court for the Eastern District of Tennessee. (Att. #26.3)
8 Perpetrator and conspirator Thomas A. Varlan had at least a **\$511,289.02** motive
9 for ensuring Mr. Beane was convicted and imprisoned for years. Thomas A.
10 Varlan clearly had a conflict of interest given the money judgments he assessed
11 against Mr. Beane benefited him directly or indirectly. He had a clear incentive to
12 ensure Mr. Beane was convicted and imprisoned. Perpetrator Varlan did not
13 exercise his official judgment and duties in an unbiased manner and this led to him
14 trespassing the law and exercising power and authority he did not lawfully have.

15 The Eastern District of Tennessee District Court did not make a claim
16 against Randall-Keith:Beane so why did it demand to immediately receive more
17 than half a million dollars in a lump sum from Randall-Keith:Beane upon
18 conviction? Given the District Court for the Eastern District of Tennessee did not
19 suffer a loss or injury in fact it would not be entitled to \$ **511,289.02**. (Att. #26.3)

1 Money and financial benefit was a clear motivation for the frame up. The
2 hanky-panky with the numbers is clear. The perpetrators and conspirators made up
3 the \$553,749.99 personal money judgment to the United States. They made up the
4 \$511,289.02 criminal monetary penalty to the district court. And they made up the
5 \$510,589.02 restitution to USAA Bank. What is restitution?

6 **DEFINITION – Restitution:**

7
8 **RESTITUTION**, practice. The return of something to the owner of it, or to the
9 person entitled to it. (Bouvier's Law Dictionary, Revised Sixth Edition, P. 1771)

10 **RESTITUTION**. Act of restoring; restoration; restoration of anything to its
11 rightful owner; the act of making good or **giving equivalent for any loss, damage**
12 **or injury**. (Black's Law Dictionary, 4th Edition, P. 1477)

13
14 **RESTITUTION**. N. (1) A remedy in which a victim is **restored to his or her**
15 **original state** or condition prior to the injury; the act of making good for some
16 wrong; restoration of the status quo. (The Essential Law Dictionary, First Edition,
17 P. 431)

18
19 Here are the "loss" numbers according to USAA Bank investigator True

20 Brown (Att. #62.2):

21	\$493,110.68	(Mr. Beane's wire transfer for the Motorhome)
22	+ <u>\$10,000.00</u>	(Mr. Beane's deposit to Buddy Gregg Motor Homes)
23	\$503,110.68	Total
24	+ \$43,458.00	(Mr. Beane's Bill payments made per True Brown)
25	- <u>\$43,458.00</u>	(Bill payments reversed and put back on the books per
26		True Brown – confirmed by Monica Alcala, Att. #31.3,
27		Line 22-23. USAA reversed the payments and put the
28		accounts in default.)
29	\$503,110.68	Total
30	- <u>\$379,000.00</u>	(Motorhome approximate sold price – Parkway RV
31		Center) – Att. #84.1 and #84.2

1 \$124,110.68 (Approximate amount the motorhome – with ONLY
2 1,000 miles on it not attributed to Mr. Beane driving it –
3 was unnecessarily deep discounted by the unlawful
4 seller. Any loss was caused by the unlawful seller and
5 the perpetrators and coconspirators)
6 \$0 Amount of Loss Caused by Mr. Beane
7

8 Randall-Keith:Beane did not steal from USAA Bank. USAA Bank and
9 others stole from Randall-Keith:Beane and got away with it with the assistance of
10 malfeasant prosecutors.

11 United States is not listed as the plaintiff. The canon of construction
12 holds that to express or include one thing implies the exclusion of the other.

13 United States of America is included in the case – United States is not. The United
14 States and United States of America are not the same entity and neither had
15 standing. Why would perpetrator and conspirator Thomas A. Varlan award the
16 United States \$553,749.99 allegedly for USAA Bank plus \$510,589.02 restitution
17 for USAA Bank when Mr. Beane took \$0 from them? (Att. #77.2, #78.2, #26.2)
18 Why would perpetrator and conspirator Thomas A. Varlan award \$511,289.02 to
19 his court? (Att. #26.3) Mr. Beane took nothing from the district court so he owes
20 nothing to the district court.

21 The United States District Court for the Eastern District of Tennessee was
22 not the plaintiff. It did not suffer an injury. It did not have standing.

23 USAA Bank was not the plaintiff. USAA bank did not show proof they
24 suffered a loss of \$1,064,339.01 (\$553,749.99 + \$510,589.02). Why would

1 perpetrator and conspirator Thomas A. Varlan award USAA Bank \$1,064,339.01
2 from Mr. Beane when Mr. Beane took \$0 from them? (Att. #66.2, #26.2, #77.2,
3 #78.2)

4 An investigation to find out where EVERY penny went and why is
5 imperative to include: (1) the \$31,000,494.97 that was in Mr. Beane's USAA bank
6 account, (2) the \$553,749.99 "personal money judgment" awarded to the United
7 States, (3) the \$510,589.02 restitution awarded to USAA Bank, and (4) the
8 \$511,289.02 criminal monetary penalty awarded to the US District Court for the
9 Eastern District of Tennessee.

10 It's not surprising the prosecutors violated Brady v. Maryland and held the
11 exculpatory True Brown emails until after the conviction. Perpetrator and
12 conspirator True Brown laid out the numbers USAA Bank alleged as a loss (Att.
13 #62.2) and it in no way adds up to \$1,064,339.01 (\$553,749.99 + \$510,589.02).
14 Somebody lined their pockets.

15 The reality of the situation is USAA Bank stole from Mr. Beane – not the
16 other way around. They took: 1) Mr. Beane's freedom and liberty, 2) Mr. Beane's
17 bank account - \$31,000,494.97, 3) the private property motorhome, and 4) any
18 money the prison system has sent to USAA Bank from Mr. Beane's slave wages.

19 USAA Bank lied about Mr. Beane altering his social security account
20 number by one digit. (Att. #62.2) Perpetrator and conspirator True Brown of

1 USAA Bank said Mr. Beane used an account number beginning “244” to fund his
2 USAA Bank account rather than his social security account number beginning
3 “243.” No one stepped forward to complain Mr. Beane accessed their “244”
4 account. To whom did account “244” belong? USAA Bank was not forced by the
5 prosecutors to say because they were all lying and conspiring against Mr. Beane
6 and Mrs. Tucci:Jarraf. The prosecuting perpetrators and conspirators questioned
7 perpetrator and conspirator True Brown’s subordinate Monica Alcala. Monica
8 Alcala did not accuse Mr. Beane of altering his social security account number –
9 perpetrator and coconspirator True Brown did. The prosecutors shielded and
10 protected perpetrator and conspirator True Brown from facing the man he accused
11 of a crime, and they denied Mr. Beane his right to face his accuser – True Brown –
12 and question him regarding his secret accusations against Mr. Beane.

13 Justice and the law had nothing to do with this case. This case was a cash
14 cow. It was a case built on fraud, theft, extortion under color of official right, and
15 likely racketeering by those involved in bringing the charges against Mr. Beane
16 and Mrs. Tucci:Jarraf.

17 The one and ONLY loss occurred as a result of the US Attorney, District
18 Court for the Eastern district of Tennessee, and USAA Bank unlawfully and
19 illegally seizing a private property motor home and selling it for a deep discount.

20 **XXIV) Petition of Third Party Interest**

1 Apparently perpetrators and conspirators Cynthia F. Davidson and Anne-
2 Marie Svolto considered USAA Bank the “victim” and a “third party defendant.”
3 (“USAA Federal Savings Bank is a victim in the case.” - Document 251 Filed
4 11/15/18, P. 2 - United States’ Response to USAA Federal Savings Bank’s
5 Petition and Request for Discovery and Motions Deadline)

6 David True Brown, Jr. (USAA Bank Investigator) filed a petition of third
7 party interest with regard to the RV motorhome owned by the Randall Keith Beane
8 Factualized Trust. (Att. #65.1, #65.2, #65.3) Please note the RV motorhome was
9 not owned by the man Randall-Keith:Beane. It was owned by a trust – the Randall
10 Keith Beane Factualized Trust. That didn’t matter to the law breaking perpetrators
11 and coconspirators.

12 USAA Bank executives made off like bandits with (1) **\$31,000,494.97** stolen
13 from Randall-Keith: Beane’s private USAA bank account, (2) the RV motorhome
14 owned by the Randall Keith Beane Factualized Trust, (3) **\$510,589.02** court
15 ordered restitution, and (4) \$553,749.99 court ordered personal money judgment.
16 They caused Randall-Keith:Beane to lose his freedom and liberty – his
17 employment – and his home. They successfully fabricated a case to falsely
18 imprison an innocent man and woman to hide the theft of \$31,000,494.97. All of
19 that is a considerable accomplishment for a group of bankers who did not have to
20 step forward to prove standing or make a lawful claim, prove they were an injured

1 party, or to make even one accusation in court before the accused, the jury, and the
2 gallery.

3 Perpetrator and coconspirator David True Brown, Jr.'s forfeiture affidavit
4 asserts "...part of this forfeiture action based on fraudulently obtained proceeds."
5 (Att. #65.3) This assertion is based on the lie perpetrator and conspirator True
6 Brown stated in an email in which he says Mr. Beane 'altered his social security
7 account number by one digit.' (Att. #62.2) If the perpetrators and conspirators
8 admitted Mr. Beane used his actual social security account number they would not
9 have been able to charge him with fraud. So they switched between saying he
10 "altered his social security number by one digit" and he "used a fictitious bank
11 account number." (Att. #71.3, #71.4, #65.2, 66.2)

12 USAA Bank was not forced to prove their "victim" status or their third-party
13 defendant claim. They simply made allegations against Randall-Keith:Beane and
14 that was good enough for the FBI, US Attorneys and district court perpetrators and
15 coconspirators. Trial transcript:

16 **"Have no reason to doubt USAA's information that they provided to**
17 **us"** (Att. #30.2) and **"Have absolutely no reason to doubt, as I said earlier,**
18 **anything that Mr. Brown or USAA was relaying to us."** (Parker Still, Trial
19 Transcript Volume I, P.50-51, Line 23-24, 23-24)
20

21 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were denied the
22 opportunity to face their accusers – David True Brown, Jr., Director, Financial
23 Crimes Investigation and the Executive Team at USAA Bank -- Wayne Peacock,

1 CEO, Stuart Parker, former CEO, Dan McNamara, President, Michael Merwarth,
2 Senior Vice President, Torben Ostergaard, Executive Vice President and Chief
3 Risk Officer, Dana Simmons, Executive Vice President, CEO Chief of Staff, and
4 Laura Bishop, Executive Vice President and Chief Financial Officer.

5 Randall-Keith:Beane was DENIED the opportunity “to be confronted with
6 the witnesses against him” - Constitution Amendment VI. Perpetrator and
7 conspirator David True Brown, Jr. and USAA Bank executive team were protected
8 and shielded from Randall-Keith: Beane and Heather-Ann: Tucci: Jarraf
9 questioning their accusations and claim. Had the prosecutors followed Brady v.
10 Maryland and turned over perpetrator and conspirator David True Brown, Jr. and
11 Parker Still’s emails BEFORE the trial ended perhaps Mr. Beane and Mrs.
12 Tucci:Jarraf might have been able to ask the true accusers to explain their
13 accusation that Mr. Beane altered his social security account number by one digit –
14 the centerpiece of the prosecution’s case. Maybe they would have asked for proof
15 of loss and injury. Perhaps Mr. Beane would have questioned them regarding their
16 claim to the motorhome owned by a trust.

17 USAA Bank did not step forward to make a claim until after the conviction.
18 USAA Bank stayed hidden in the background with their claim kept secret with the
19 help of the prosecutors.

1 Monica Alcala, a USAA fraud investigator, testified but perpetrator and
2 coconspirator True Brown and USAA Bank executive team were the actual
3 accusers – not their subordinate Monica Alcala.

4 David True Brown, Jr., Wayne Peacock, Stuart Parker, Dan McNamara,
5 Michael Merwarth, Torben Ostergaard, Dana Simmons, and Laura Bishop of
6 USAA Bank were all hiding behind Monica Alcala's skirt while they secretly
7 made accusations and fabricated a case to falsely imprison one of their Air Force
8 veteran members –never to be held accountable for their lies.

9 There were no email accusations from Monica Alcala. In fact, Monica
10 Alcala tried to tell the truth about Randall-Keith:Beane using his correct social
11 security account number. She was forced to change her testimony, lie, and perjure
12 herself in violation of 18 U.S. Code § 1621. (Att. #42)

13 In his Petition of Third-Party Interest, perpetrator and conspirator David
14 True Brown, Jr. swore under penalty of perjury Randall-Keith:Beane used a
15 fictitious bank account number. If the bank account number was fictitious then
16 there would not have been a successful transaction.

17 Perpetrator and conspirator Anne-Marie Svolto pushed the same lie --
18 "a fictitious bank account number (i.e., defendant's Social Security Number)..."
19 (Motion for Entry of Preliminary Order of Forfeiture, Document 223, P. 2, ¶ 2 –
20 Att. #66.2)

Is it possible to use a fictitious nonexistent bank account number? . Let's look at the definition of fictitious:

Fictitious - Feigned, imaginary, not real, false, not genuine, nonexistent. (Black's Law Dictionary, Edition 4, 1968)

Fictitious - Pretended. (Bouvier Law Dictionary, Revised Sixth Edition, 1856)

Fictitious - of, relating to, or characteristic of fiction:
IMAGINARY (<https://www.merriam-webster.com/dictionary/fictitious>)

Fictitious - invented and not true or not existing.
(<https://dictionary.cambridge.org/dictionary/english/fictitious>)

Synonyms for Fictitious - fictional, imaginary, invented, made-up, make-believe, mythical, pretend, unreal. (<https://www.merriam-webster.com/thesaurus/fictitious>)

Let's look at one of the factual statements perpetrator and coconspirator David True Brown, Jr. swore to under penalty of perjury in his Petition of Third-Party Interest:

"Defendant used a **fictitious** bank account number..." (Att. #65.2, #71.2, #71.3, #71.4) Now let's replace the word "fictitious" with some synonyms.

Defendant used a **nonexistent** bank account number.
Defendant used an **imaginary** bank account number.
Defendant used a **made-up** bank account number.
Defendant used a **make-believe** bank account number.
Defendant used a **pretend** bank account number
Defendant used an **unreal** bank account number

You get the point! Regardless of how nonsensical the lie, it was their only path to a fraud charge against Mr. Beane. Without this lie the FBI and US

1 Attorney perpetrators and coconspirators could not have charged fraud – and
2 that includes counts 1-6 bank and wire fraud, and count 7 money laundering,
3 which is a form of fraud.

4 The advantage of operating a kangaroo court is you can make up the rules as
5 you go along and the perpetrators and coconspirators certainly did that. In a
6 kangaroo court you can fabricate crimes and create fictitious warrants with
7 impunity. It's a kangaroo court! Nobody is going to say anything because they're
8 all in the conspiracy together. None of the perpetrators and coconspirators had
9 reason to fear their work would be reviewed by anyone outside the conspiracy.
10 Nobody's looking or checking because nobody seems to care if rogue prosecutors
11 fabricate a fraud and money laundering case to frame innocent Americans to send
12 them to prison.

13 **XXV) The Appeal**

14
15 Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf had the Right to an
16 appeal of the conviction and sentence. They were denied that right. The appellate
17 court pretended to honor their request for an appeal while at the same time they
18 worked the system to ensure they wouldn't get one. The appellate court appointed
19 Stephen Louis Braga to represent Mr. Beane and Dennis G. Terez to represent Mrs.
20 Tucci:Jarraf. With the assistance of these two attorneys the court ensured Mr.

1 Beane and Mrs. Tucci:Jarraf would not have the opportunity to present their
2 appeal.

3 In his opinion, perpetrator and coconspirator Jeffrey Sutton wrote - "...both
4 defendants had plenty of mental acuity." (United States Court of Appeals for the
5 Sixth Circuit, Opinion, Sutton, Circuit Judge, P. 6, ¶ 4) The only individuals to
6 question Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf's mental acuity
7 appears to be the unauthorized traitors appointed by the appeals court, without
8 consent, to "represent" them.

9 Randall-Keith:Beane did not hire Stephen Louis Braga to represent him.
10 Stephen Louis Braga wrote that appeal brief without having one conversation with
11 Randall-Keith:Beane.

12 Heather-Ann:Tucci:Jarraf did not hire Dennis G. Terez to represent her.
13 Dennis G. Terez wrote that appeal brief without having one conversation with
14 Heather-Ann:Tucci:Jarraf.

15 Out of the gate both Stephen Louis Braga and Dennis G. Terez ceded
16 "jurisdiction" to the district court. (Att. #75.2 and #74.2) They were false in their
17 duty to Mr. Beane and Mrs. Tucci:Jarraf. They assisted and conspired with the
18 other fraudster perpetrators and coconspirators. It's interesting neither of them
19 mentioned subject matter or personal jurisdiction in their appellate brief. They
20 spoke in general about jurisdiction.

1 Stephen Louis Braga said the district court had jurisdiction pursuant to 28
2 U.S.C. § 1331 which is one of the two ways for a federal court to gain subject
3 matter jurisdiction. (Att. #5 and #6) However, it pertains to **civil actions** – not
4 criminal. He offered no argument with regard to personal jurisdiction, the
5 disposed of South Carolina traffic related bench warrant or the fraudulent
6 Tennessee arrest warrant not signed by the clerk.

7 Dennis G. Terez said the district court had original jurisdiction pursuant to
8 18 U.S.C. § 3231. This is not one of the two ways a federal court gains subject
9 matter jurisdiction. (Att. #6 and #24)

10 It's not clear exactly how one would commit an "offense" against the "law"
11 as stated in section 3231. Section 3231 is vague, unlawful, crafty editing by the
12 Office of Law Revision Counsel. Dennis G. Terez offered no argument with
13 regard to personal jurisdiction or the fraudulent Tennessee arrest warrant not
14 signed by the clerk.

15 It's not hard to see Stephen Louis Braga did not advocate for Randall-
16 Keith:Beane and Dennis G. Terez did not advocate for Heather-Ann:Tucci:Jarraf.
17 They could have challenged subject matter and personal jurisdiction on solid
18 ground but they didn't.

19 Perpetrators and coconspirators Jeffrey Sutton, Deborah L. Cook, and Anul
20 Thaper read Stephen Louis Braga's appellate brief, particularly his statement of

1 jurisdiction (P. 2), in which he says “The district court had jurisdiction of this
2 action pursuant to 28 U.S.C. § 1331 (1980) as it arose under laws of the United
3 States...” (Att. #75.2) Unless “this action” was a civil action Stephen Louis
4 Braga provided proof of the opposite – the district court DID NOT have
5 jurisdiction of this action.

6 According to the law of voids “before a court (judge) can proceed judicially,
7 jurisdiction must be complete **consisting of two opposing parties** (not their
8 attorneys—although attorneys can enter an appearance on behalf of a party, only
9 the parties can testify and **until the plaintiff testifies the court has no basis upon**
10 **which to rule judicially**), and the two halves of subject matter jurisdiction – the
11 statutory or common law authority the action is brought under and the **testimony**
12 **of a competent fact witness** regarding **the injury (the cause of action)**. If there
13 is a **jurisdictional failing** appearing on the face of the record, **the matter is void**,
14 subject to vacation with damages, and can never be time barred.” (Void
15 Judgments, Richard Luke Cornforth, P. 24)

16 Stephen Louis Braga and Dennis G. Terez built an appeal around attacking
17 their “client” under the guise of arguing the dangers of self-representation and their
18 mental fitness. Way to go! They didn’t vigorously represent Randall-Keith:Beane
19 and Heather-Ann:Tucci:Jarraf . They joined the conspiracy and held the line
20 because that was the role they were hired to play in the conspiracy.

1 Stephen Louis Braga and Dennis G. Terez didn't bother to communicate
2 with their "client" who could have offered real appellate arguments. Instead, they
3 offered a lazy argument designed to ensure the appellate court had an excuse to
4 affirm the convictions. Beyond the UCC filings, there's a laundry list of reasons
5 why the district court did not have subject matter or personal jurisdiction:

- 6 1) Federal question jurisdiction is one of the two ways for a federal court to
7 gain subject matter jurisdiction over a case. (28 U.S. Code § 1331) The
8 other way is through diversity jurisdiction. (28 U.S. Code § 1332)
9 (Attachment #5, #6, and #7)
10
- 11 2) Plaintiff did not have standing/cause of action.
12
- 13 3) Plaintiff did not testify.
14
- 15 4) The FBI did not have jurisdiction.
16
- 17 5) The South Carolina bench warrant was statewide and disposed of two
18 years earlier. Randall-Keith:Beane was kidnapped July 11, 2017. There
19 was no personal jurisdiction. It was felony kidnapping! (Att. #41)
20
- 21 6) The fraudulent fictitious Tennessee district court arrest warrants were not
22 signed by the clerk and therefore not valid. Heather-Ann:Tucci Jarraf
23 and Randall-Keith:Beane were kidnapped. There was no personal
24 jurisdiction. It was felony kidnapping! (Att. #41)
25
- 26 7) There was clear and obvious fraud upon the court – a conspiracy to frame
27 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf and deprive them of
28 their rights.
29
- 30 8) The perpetrators and coconspirators violated due process – no Randall-
31 Keith:Beane probable cause hearing.
32
- 33 9) The district court exceeded its statutory authority – it is supposed to be a
34 court of record. (28 U.S. Code § 132 – Att. #8)
35

- 10) No cognizable cause of action against Randall-Keith:Beane or Heather-Ann:Tucci:Jarraf,
- 11) The US Attorney and FBI perpetrators and coconspirators said the “victim,” was USAA Bank but they misled and confused the jury into believing the United States of America was the injured party. Neither United States of America nor USAA Bank suffered an injury that would give rise to a cause of action.
- 12) All ordered judgments were based on void ordered judgments. There was no time in which the district court had lawful subject matter or personal jurisdiction.
- 13) Perpetrators and coconspirators Thomas A. Varlan and C. Clifford Shirley committed fraud by operating a court other than a court of record.
- Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf timely filed a “Notice of

Appeal.”

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
v.) No. 3:17-cr-82-01
RANDALL KEITH BEANE)

NOTICE OF APPEAL

Notice is hereby given that Randall Keith Beane hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Final Judgment entered in this action on 24th day of July, 2018.

Defendant's signature

Randall Keith Beane

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA
v.
HEATHER ANN TUCCI-JARRAF,

Case No. 3:17-CR-82-02

NOTICE OF APPEAL

Notice is hereby given that Heather Ann Tucci-Jarraf, hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Final Judgment entered in this action on the 17th day of July, 2018.

Defendant's signature

Heather Ann Tucci-Jarraf

1 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were essentially
2 **DENIED** an appeal by perpetrators and coconspirators Jeffrey Sutton, Deborah L.
3 Cook, and Anul Thaper. Perpetrator and coconspirator Jeffrey Sutton wrote in his
4 appellate opinion: “On the other side, all defendants, whether lawyers or not, have
5 a right to represent themselves—what amounts to the right to reject counsel and to
6 confront the government alone.” (United States Court of Appeals for the Sixth
7 Circuit, Opinion, Sutton, Circuit Judge, P.5, ¶ 4). Perpetrator and conspirator
8 Jeffrey Sutton denied this right to Mr. Beane and Mrs. Tucci:Jarraf. Moreover,
9 “...The right to file a lawsuit pro se is one of the most important rights under the
10 constitution and laws.” (Elmore v. McCammon (1986) 640 F. Supp. 905)

11 Perpetrator and conspirator Jeffrey Sutton said Randall-Keith:Beane and
12 Heather-Ann:Tucci:Jarraf were competent when they presented themselves in the
13 district court and this is why he rejected Braga and Terez’s unauthorized argument
14 ‘my client is incompetent and crazy.’

15 Nor did Beane and Tucci-Jarraf’s defense suggest they lacked the capacity to compete
16 with the prosecution. While they gave plenty of airtime to implausible conspiracy theories, they
17 succeeded in other respects. During cross-examination, they asked logical questions aimed at
18 exposing gaps in the witnesses’ knowledge and inconsistencies in the prosecution’s narrative.
19 During their testimony, they successfully introduced helpful biographical details—information
20 about their upbringings, their motivations, and their histories of government service. And during
 their closing arguments, they clearly explained their belief system, and articulated why it led
 them to do what they did. Sure, experienced counsel would have done a better job. But that
 reality doesn’t show the defendants were too incompetent to defend themselves. Else, laypeople
 could never represent themselves.

4 If perpetrator and conspirator Jeffrey Sutton believed Randall-Keith:Beane
5 and Heather-Ann:Tucci:Jarraf were competent in the district court the same would
6 hold true for their appeal. But he denied them the right to present their appeal.
7 The court appointed BAR attorneys to represent Randall-Keith:Beane and Heather-
8 Ann:Tucci:Jarraf without consulting them, without their consent, and likely against
9 their will. There is no law saying one must have a BAR attorney-at-law/officer of
10 the court speak for him or her.

11 “Litigants can be assisted by unlicensed laymen during judicial
12 proceedings.” (Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377
13 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425)

14 “A next friend is a person who represents someone who is unable to tend to
15 his or her own interest.” (Federal Rules of Civil Procedures, Rule 17, 28 USCA
16 “Next Friend)

17 “Members of groups who are competent non-lawyers can assist other
18 members of the group achieve the goals of the group in court without
19 being charged with “unauthorized practice of law.” (NAACP v. Button, 371 U.S.
20 415); United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v.
21 Avery, 89 S. Ct. 747; 1969)

1 **“The practice of law is an occupation of common right.”** (Sims v. Aherns,
2 271 SW 720; 1925)

3 **“The practice of law cannot be licensed by any state/State.”** (Schware v.
4 Board of Examiners, United State Reports 353 U.S. pages 238, 239.)

5 Perpetrators and coconspirators Jeffrey Sutton, Deborah L. Cook, and Anul
6 Thaper DENIED Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf the right to
7 speak for themselves and present their own appeal. The Court of Appeal
8 handpicked two traitors who didn’t even feel it necessary to speak with Mr. Beane
9 and Mrs. Tucci:Jarraf. They clearly understood who they were really working for
10 and what their job was.

11 **Definition of *traitor* -- 1:** one who betrays another's trust or is **false to**
12 **an obligation or duty**; **2:** one who commits treason,
13 (<https://www.merriam-webster.com/dictionary/traitor>) .

14 Stephen Louis Braga, a Virginia bar attorney, didn’t contact Randall-
15 Keith:Beane to discuss the case or the appeal. He simply wrote a 47-page opening
16 brief in which he acquiesced to the prosecutors and district judge false claim of
17 subject matter and personal jurisdiction. Stephen Louis Braga called himself
18 counsel for appellant but Randall-Keith:Beane did not hire him. He did not even
19 bother to contact Mr. Beane about the appeal. The Virginia state bar rules of
20 professional conduct, Rule 1.2(a) says: “A lawyer shall abide by a client’s

1 decisions concerning the objectives of representation...and shall consult with the
2 client as to the means by which they are to be pursued.”

3 Rule 3.3(d) is about candor toward the tribunal. It says “A lawyer who
4 receives information clearly establishing that a person other than a client has
5 perpetrated a fraud upon the tribunal in a proceeding in which the lawyer is
6 representing a client shall promptly reveal the fraud to the tribunal.” If Braga read
7 the case file, and surely he did, he clearly knows the FBI and US Attorneys
8 perpetrated fraud upon the court with their fraudulent arrest warrants alone.

9 In his opening brief, perpetrator and conspirator Stephen Louis Braga cites
10 28 U.S.C. § 1331 with full knowledge that section 1331 gives jurisdiction for civil
11 actions – not criminal. He knew the FBI, DOJ prosecutors, district judges, public
12 defender and elbow counsel were perpetrating a fraud and he joined in.

13 Ohio rules of professional conduct have the same or similar rules that apply
14 to Dennis G. Terez. He, too, called himself counsel for Heather-Ann:Tucci:Jarraf
15 and submitted an opening brief without ever having sat down and discussed the
16 case and the appeal with Mrs. Tucci:Jarraf.

17 According to the American Bar Association it is misconduct for a lawyer to:
18 (c) “engage in conduct involving dishonesty, fraud, deceit or misrepresentation;”
19 and (d) “engage in conduct that is prejudicial to the administration of justice.”

1 Perpetrators and coconspirators Stephen Louis Braga, Dennis G. Terez,
2 Jeffrey Sutton, Deborah L. Cook, and Anul Thaper all read the case file so they all
3 knew the following:

- 4 • FBI and US Attorney perpetrators used a South Carolina statewide
5 misdemeanor traffic related bench warrant that had been disposed of two
6 years earlier to arrest and attack Randall-Keith:Beane. (Att. #1.2 and #2.1)
- 7 • FBI and US Attorney perpetrators created fraudulent fictitious Tennessee
8 district court arrest warrants to arrest Randall-Keith:Beane a second time (4th
9 time in total arrests – twice by FBI and twice by Knoxville Sheriff) and
10 Heather-Ann:Tucci:Jarraf. (Att. #3, #4 and #10)
- 11 • The FBI knew they did not have jurisdiction over a private business
12 transaction. (Att. #15, 16.1, and 16.2)
- 13 • Perpetrator and coconspirator Cynthia F. Davidson allowed perpetrator and
14 coconspirator Parker Still to present to the grand jury, as the sole witness,
15 statements from perpetrator and coconspirator True Brown of USAA Bank
16 to prove a crime happened without putting perpetrator and coconspirator
17 True Brown under oath. The FBI and DOJ perpetrators and coconspirators
18 shielded perpetrators and coconspirators True Brown and USAA Bank
19 executive team.

1 • Perpetrators and conspirators True Brown, Parker Still, Cynthia F. Davidson
2 et al. knowingly lied about Mr. Beane altering the third digit of his social
3 security account number by moving it up one digit to access his treasury
4 direct depository account.

5 • There was no accuser. United States of America did not accuse anything. It
6 is a corporation – a piece of paper. US Attorney perpetrators knew the
7 plaintiff did not have standing. It did not suffer an injury in fact. (Att.
8 #33.2)

9 • Perpetrator and conspirator True Brown and USAA Bank executive team hid
10 in the shadows making accusations against Randall-Keith:Beane.

11 A few more things the perpetrators and coconspirators read in the file and ignored:

12 1) Perpetrator and coconspirator Cynthia F. Davidson told the grand jury it was
13 a bona fide purchaser. (Att. #29.4) There was only one purchaser –
14 Randall-Keith:Beane for the Randall Keith Beane Factualized Trust.

15
16 MS. DAVIDSON: Because all of the money that
17 went to Whitney Bank for the motor home is gone?

18 THE JUROR: Right, right.

19 MS. DAVIDSON: Because that was a, you know, a
20 bona fide purchaser.

21 Grand Jury Transcript, P. 40, Line 11-15 (Att. #29.4)

22 **BONA FIDE.** Is or with good faith; honesty, openly, and sincerely; **without**
23 **deceit or fraud.** (Black's Law Dictionary, 4th Edition, P. 223)

1 **Bona Fide Purchaser** - One who acts without covin, fraud, or collusion
2 (Black's Law Dictionary, 4th Edition, P. 224)
3

- 4 2) Perpetrator and conspirator Cynthia Davidson had another Freudian slip.
5 She clearly understood who the real victim was when she said "the theft
6 **from** the defendant, Randall Keith Beane..."

7 Q Okay. During the theft from the defendant, Randall
8 Keith Beane, roughly July 30 -- I'm sorry, July 3rd, 2017
9 Trial Transcript, Volume II, P. 38, Line 4-5 (Att. #31.3)
10

- 11
12 3) Perpetrator and conspirator Parker Still essentially said handing
13 someone a copy of the warrant so that they may inspect it to ensure it is
14 authentic is TV stuff. He can't be bothered with due process. (Att. #30.4)
15

16 A No, ma'am. And I -- I don't -- I mean, that's -- I
17 think that's some of TV stuff where we serve people, put a
18 warrant in their hands. You know, that's -- I don't -- that's
just not general practice where you would, you know, serve
someone -- hand someone a warrant, generally.

19 Trial Transcript, Volume I, P. 69, Line 13-17 (Att. #30.4)
20

- 21 4) If you're in a Walmart looking for a friend or a family member, or
22 you're trying to find the restroom before you have an accident walk -- do not
23 run. You may get tackled by perpetrator and conspirator Parker Still, even
24 though you haven't left the store. And if your case is heard before
25 perpetrator and conspirator Varlan or Sutton they are likely to think it is
26 okay for him to tackle you..
27

28 Just like tonight if I see a shoplifter running down
29 the aisle at Walmart, I can tackle them. You know, I can make
30 a probable cause arrest in Tennessee.

31 Perpetrator and coconspirator Parker Still, Trial Transcript, Volume I, P. 62, Line 12-14
32 (Att. #30.3)
33

1 5) Perpetrator and conspirator Parker Still explains why he did not finish
2 the affidavit before rushing out to arrest Mr. Beane. It's more likely he
3 couldn't go before a magistrate and swear under oath an affidavit because
4 there was no probable cause. If they could have had a probable cause
5 hearing they would have had a probable cause hearing.

6
7 it's going to be -- the keys are going to be turned over to him
8 at Buddy Gregg, we had to react. There was not time for me to
9 get in front of the magistrate judge. There was not time for
10 me to finish an affidavit. We had to react at the time.

11 Perpetrator and coconspirator Parker Still, Trial Transcript, Volume I, P. 62, Line 22-25
12 (Att. #30.3)

13 6) Perpetrator and conspirator Parker Still inadvertently confirms the
14 treasury direct depository account with the statement -- "**she has knowledge**
15 **of these funds.**" He clearly has knowledge of the treasury direct depository
16 accounts too so why lie and tell the grand jury and trial jury Mr. Beane used
17 a "fictitious account number?" (Grand Jury Transcript, P. 52, Line 3-4)

18
19 And her knowledge of -- how do I say this, she
20 has knowledge of these funds; right, because what if -- I

21
22 Perpetrator and coconspirator Parker Still, Grand Jury Transcript, P. 52, Line 3-4

23
24 7) Beside his fixation with the motorhome marble floors and two
25 bathrooms, perpetrator and conspirator Jeffrey Sutton did show interest in
26 perpetrator and conspirator Parker Still's **speculation** about "military
27 operations."

28 We have subsequently learned that possibly,
29 again, speculating, that that comment meant, "Military
30 operations," to try to remove Mr. Beane from the Knox County
31 Detention Center. That's what, again, what I deduct.

32 Perpetrator and coconspirator Parker Still, Grand Jury Transcript, P. 56-57, Line 25, 1-3

1 8) The FBI and Sheriff Deputy perpetrators and coconspirators committed
2 aggravated assault against Mr. Beane by beating him up, bruising his body,
3 twisting his arm, gave him a black eye, gave him a bleeding cut to the back
4 of the head and they strangled him until he cried out "I can't breathe."

5 Well, they grab me and pulled me
6 outside the coach and start beating me and throwing
7 me on the ground. One of them has got his foot on
8 my head and telling me to -- I'm telling him, "I
9 can't breathe." And he's saying, "You're going to
10 have to breathe."
11
12

13 Well, when I did breathe, my mouth was
14 stuck full of dirt and grass because he had my head
15 so far down in the grass, I couldn't do anything.
16
17

18 Trial Transcript, Volume V, P. 106, Line 3-11 (Att. #34.5)

19 Q. Okay. And you received an injury that day?

20 A. On the back of my head. Of course, you

21 Trial Transcript, Volume V, P. 108, Line 24-25 (Att. #34.6)

22 know, I'm in handcuffs; so I can't feel it, but I
23 can feel blood trickling.

24 A. They manhandled me pretty good. They
25 twisted this arm up pretty good (indicating). But I
26 don't remember. There was so much activity going
27 on. Things were flying by. So I don't remember
28 exactly how the back of the head got hurt, but I was
hurting all over. I had a black eye and --

Q. Okay.

A. -- several bruises all over my body after a
couple days.

The appellate “opinion” discussed when Randall-Keith:Beane went to bed (P. 3, ¶ 3), and “...motor home that had two bathrooms, marble floors, and a fireplace.” (P. 3, ¶ 4) It almost reads like a for sale listing. We guess perpetrator and conspirator Jeffrey Sutton believed these were crucial pieces of information one needs to read in an appeals court opinion, but it really shows he was in on the conspiracy. All the problems with this case and this is what he focuses on in his opinion.

The appellate “opinion” regurgitates perpetrator and conspirator Parker Still’s testimony about Mrs. Tucci:Jarraf “planning military operations” to remove Mr. Beane from the detention center. (Appellate Opinion, P. 4, ¶ 2) This was a prejudicial comment perpetrator and conspirator Parker Still intentionally made before the grand jury to infer that Mrs. Tucci:Jarraf was a criminal planning a jail break. There is no evidence in the record of a military operation jail break (intent or otherwise). Perpetrator and coconspirator Jeffrey Sutton picked up that statement and put it in his appellate opinion as though it were factual evidence. Perpetrator and conspirator Parker Still intentionally misled the grand jury for the purpose of securing an indictment. The goal was to make the grand jury believe Mrs. Tucci:Jarraf had criminal intent.

1 Perpetrator and conspirator Parker Still never explained how Mrs.
2 Tucci:Jarraf would manage to pull off a military operation to remove Mr. Beane
3 from the Knoxville county detention center given she was not in the military or
4 defense department. On the other hand, perpetrator and conspirator Parker Still
5 was in the military – army JAG – so he knows if a civilian could command Special
6 Forces to do a military operation jail break in Knoxville, Tennessee.

7 Also a graduate of the Army JAG School in
8 Charlottesville, Virginia.

9 Parker Still Testimony, Grand Jury Transcript, P. 2, Line 23-24

10 Q Okay. I just wanted to clarify in your statement
11 about being a private attorney and military JAG for seven and a
12 half years, how much of that seven and a half years was private
attorney and how much of it was military JAG?

13 A Fair question. Yes, ma'am. So the great thing about
14 like where I was, the National Guard, you could do both. I was

15 Heather-Ann:Tucci:Jarraf Cross-examination of Parker Still, Trial Transcript, Volume I, P. 39,
16 Line 16-21
17
18

19 Perpetrator and conspirator Jeffrey Sutton understands how the military
20 works so he knew the “military operations” speculation was intended to be
21 prejudicial and yet he zoomed right in on it as if the military operation jail break
22 had even a scintilla of truth or credibility. Here’s Sutton repeating it:

1 provided officers with Tucci-Jarraf's phone number and requested that they contact her. On the
2 phone, Tucci-Jarraf claimed that she was "planning military operations." R. 162 at 37. Officers
3

4 United States Court of Appeals, Sixth Circuit, Sutton, Cook, and Thapar Circuit
5 Judges Opinion, P. 4 ¶ 2

6 Perpetrator and coconspirator Jeffrey Sutton did not have to focus on the
7 motorhome marble floors or "military operations." There are plenty of legal issues
8 he could have looked at if he was in pursuit of justice and the law.

9 Perpetrator and coconspirator Jeffrey Sutton could have talked about the real
10 problems with the case like subject matter and personal jurisdiction, the use of a
11 statewide South Carolina misdemeanor traffic related arrest warrant disposed of
12 two years earlier, the Tennessee arrest warrants not signed by the clerk, no
13 probable cause hearing, denial of a detention hearing, denial of due process and
14 overall abuse of law and the legal process. (Att. #22) Instead he was petty talking
15 about nonexistent military operations and marble floors as if he would have felt
16 better had the floors been linoleum.

17 In his appellate opinion, perpetrator and conspirator Jeffrey Sutton also said
18 Mrs. Tucci:Jarraf "...prepared pseudo-legal documents on his behalf," (P. 3, ¶ 5—
19 referring to Heather-Ann:Tucci:Jarraf's assistance in creating the Randall Keith
20 Beane Factualized Trust) and "She also produced several faux-legal documents
21 ..." (P. 2, ¶ 4—referring to Heather-Ann:Tucci:Jarraf) What exactly is a pseudo or

1 faux legal document? Any document he/she drafted and signed for lawful
2 purposes is a lawful document. It does not have to be written by a BAR attorney
3 (attorney-at-law/officer of the court) to be a lawful or legal document. People
4 write their own trusts, contracts and other legal documents sometimes with the
5 assistance of a friend or family member.

6 Perpetrator and conspirator Jeffrey Sutton said “pseudo” and “faux” legal
7 documents because he knows the FBI and Sheriff Deputy perpetrators and
8 coconspirators unlawfully entered and stole a private property motorhome, without
9 consent or a search and seizure warrant, owned by a trust – not the man. He
10 wanted to delegitimize the lawful and legal trust documents to justify the theft of
11 private property. The Randall Keith Beane Factualized Trust is not the man and it
12 (the trust) should not have been subjected to search and seizure without a warrant
13 either.

14 The appellate “opinion” is the work of conspiracy participants in furtherance
15 of the continued false imprisonment of Randall-Keith:Beane and Heather-
16 Ann:Tucci:Jarraf.

17 **XXVI) Misprison of Treason (Att. #43)**
18

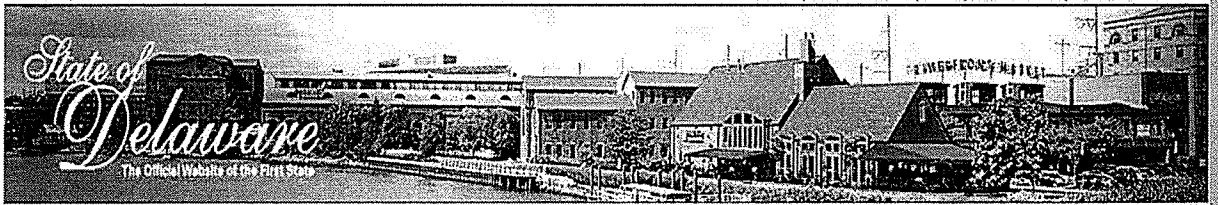
19 Heather-Ann:Tucci:Jarraf’s “expertise are Universal Commerce, Strategies
20 and Tactics, I-Tech, with Banking, Trade, Finance, Accounting, Law, and

Corruption.” (Praeipie, Declaration of Due Cause, and Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 3, Paragraph A)

In her UCC filings, Heather-Ann:Tucci:Jarraf pointed out that unlawful and illegal private money systems were operating slavery systems against the American people without their knowing, willing, and intentional consent. She identified the Rothschild Trust, The Federal Reserve Banks, the Federal Reserve System at Bank of New York, the Bank for International Settlements, IMF, World Bank, Unite States Treasury Corporation, etc.

<https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx>

Delaware.gov Governor | General Assembly | Courts | Elected Officials | State Agencies



Department of State: Division of Corporations Allowable Characters

HOME About Agency Secretary's Letter Newsroom Frequent Questions Related Links Contact Us Office Location	Entity Details
SERVICES Pay Taxes File UCC's Delaware Laws Online Name Reservation Entity Search Status Validate Certificate Customer Service Survey	THIS IS NOT A STATEMENT OF GOOD STANDING File Number: 2221617 Incorporation Date / 2/8/1990 Formation Date: (mm/dd/yyyy) Entity Name: UNITED STATES TREASURY / U.S. TREASURY, INC. Entity Kind: Corporation Entity Type: General Residency: Domestic State: DELAWARE REGISTERED AGENT INFORMATION Name: HARVARD BUSINESS SERVICES, INC. Address: 16192 COASTAL HWY
INFORMATION Corporate Forms Corporate Fees UCC Forms and Fees	

1 Mrs.Tucci:Jarraf pointed out congress abandoned the performance of their
2 duties and obligations to the people to give aid and comfort to America's enemies
3 implementing policies beneficial to the foreign private systems and serving and
4 protecting these private systems while relinquishing their 5th task (of 18) to coin
5 money and regulate the value thereof.

6 In court document 98, Heather-Ann:Tucci:Jarraf stated the following:

7 "D. Prior to June 22, 2017, I was duly noticed and made aware of escalating,
8 unlawful, and illegal threats of foreign action by known foreign actors against
9 POTUS (President Trump), that included, but is not limited to, data that these
10 known foreign actors intended to remove POTUS from office by any means
11 necessary, if their current means failed." (Praecipe, Declaration of Due Cause, and
12 Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 3, Paragraph D)

13 Heather-Ann:Tucci:Jarraf appears to be saying two things here: (1) A coup
14 to remove the duly elected president was in the works by foreign actors and
15 infiltrators, and (2) An assassination plot was underway.

16 "F. On June 22, 2017, I did receive data that said known foreign actors were
17 becoming even more agitated, frustrated, and completely angered by their lack of
18 being able to fund operations, their foreign agents' inability to read, predict, and
19 control POTUS, and his actions, and their suspicion that POTUS was receiving
20 Universal support. My years of experience with the foreign actors, coupled with

1 the data, and the foreign actors' escalating patterns of rhetoric, funding
2 consolidation, and actions, confirmed to me that their threat against POTUS would
3 100% escalate to "imminent/instant." (Praeipie, Declaration of Due Cause, and
4 Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 4, Paragraph F)

5 Heather-Ann:Tucci:Jarraf told the following individuals that the threat
6 against our president would 100% escalate to an assassination attempt:

- 7 • Debra C. Poplin, Clerk of Court – Eastern District of Tennessee
- 8 • Thomas A. Varlan, Chief District Judge – Eastern District of Tennessee
- 9 • C. Clifford Shirley, Magistrate Judge – Eastern District of Tennessee
- 10 • James Douglas Overbey, United States Attorney – Knoxville, TN
- 11 • Cynthia F. Davidson, Assistant United States Attorney – Knoxville, TN
- 12 • Ann-Marie Svolto, Assistant United States Attorney – Knoxville, TN

13 The appellate court reviewed the case file and read this document so the
14 following individuals also knew about the threat and other treason:

- 15 • Jeffrey Sutton, Circuit Judge, United States Court of Appeals for the Sixth
16 Circuit
- 17 • Deborah L. Cook, Senior Circuit Judge, United States Court of Appeals for
18 the Sixth Circuit
- 19 • Amul Thaper, Circuit Judge, United States Court of Appeals for the Sixth
20 Circuit

21 Did any of them investigate or report Heather-Ann:Tucci:Jarraf's UCC filing
22 allegations or court document 98 allegations in which she warns of a plot to
23 overthrow the United States government? In his order to the "governments"
24 Motion in Limine to prohibit jurisdictional argument, perpetrator and conspirator

1 Thomas A. Varlan said -- “This case concerns the alleged crimes of the defendants,
2 not others.” (Memorandum Opinion and Order to the Government’s Motion in
3 Limine to Prohibit Jurisdictional Argument, Doc. 90, P.7, Last paragraph) They
4 each abandoned their oath.

5 There’s no doubt they each violated 18 U.S. Code § 2382 - Misprision of
6 treason (Att. #43) – “Whoever, owing allegiance to the United States and having
7 knowledge of the commission of any treason against them, conceals and does
8 not, as soon as may be, disclose and make known the same to the President or to
9 some judge of the United States, or to the governor or to some judge or justice of a
10 particular State, is guilty of misprision of treason and shall be fined under this
11 title or imprisoned not more than seven years, or both.

12 If you don’t see fit to protect this country and our president you are a
13 TRAITOR deserving of a traitor’s justice!

14 Heather-Ann:Tucci:Jarraf continues document 98 by stating the following:
15 “H. On, or about July 3, 2017, I arrived in Houston, Texas. After my arrival, I
16 received notice of the details of a strategic operation by foreign actors to steal
17 money from the US Treasury Direct Depository Accounts (commonly referred to
18 now as “TDA’s”) using the people in America.” (Praeipie, Declaration of Due
19 Cause, and Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 4, Paragraph
20 H)

1 “J. On, or about, July 10, 2017, I was made aware that the foreign actors
2 threatening POTUS, had realized they were loosing [sic] control of their strategic
3 operation, and directed their foreign agents to ascertain the “bait,” that was in
4 the form of an “officially” retired military man, Randall Keith Beane, and
5 Heather Ann Tucci:Jarraf, whom the foreign actors are familiar with from the
6 Universal cleanup operations. The foreign actors did **abandon typical protocols**
7 **and procedures**, and did directly order foreign agents to quickly organize
8 unlawful and illegal actions, in order to not loose further control of their own
9 strategic operation initiated July 1, 2017, its exposure, and to grab the “bait,” so
10 that their foreign agents in Tennessee would have, and manage, jurisdiction and
11 control over the matter thereafter.” (Praeipce, Declaration of Due Cause, and
12 Judgment and Order of Dismissal, Doc. 98, 01/22/18, P. 5, Paragraph J)

13 The foreign agents absolutely abandoned typical protocols and procedures.
14 In their desperation and haste to get Randall-Keith:Beane and Heather-
15 Ann:Tucci:Jarraf, they completely skipped due process and the investigation part
16 of the process. They used a statewide South Carolina misdemeanor traffic related
17 bench warrant that had been disposed of July 17, 2015 to arrest Randall-
18 Keith:Beane the first time – July 11, 2017. They created Tennessee district court
19 fraudulent fictitious signed arrest warrants (not signed by the clerk) to arrest
20 Heather-Ann:Tucci:Jarraf and re-arrest Randall-Keith:Beane. They forced

1 Randall-Keith:Beane to sign a detention hearing waiver because they knew they
2 did not have lawful authority to detain him. They skipped the probable cause
3 hearing because there was no probable cause. There was no first-hand statement of
4 personal knowledge to create probable cause. USAA Bank was behind the curtain
5 stirring the pot, but they wouldn't step forward to make a legal or lawful complaint
6 against Randall-Keith:Beane because they couldn't. The FBI instigated the false
7 imprisonment of Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf based on
8 telephone conversations and an email perpetrator and coconspirator Parker Still
9 received from former FBI comrade perpetrator and coconspirator True Brown of
10 USAA Bank. (Att. #62.2)

11 The perpetrators and conspirators moved swiftly engaging in unlawful acts
12 such as aggravated assault and battery upon Mr. Beane and Mrs. Tucci:Jarraf,
13 including arrest, handcuffing, imprisonment, physically searched, forced
14 fingerprinting and booking procedures, and harassment all done without force of
15 law. .

16 In paragraphs "H" and "J" (Praecipe, Declaration of Due Cause, and
17 Judgment and Order of Dismissal, Doc. 98, 01/22/18) Heather-Ann:Tucci:Jarraf
18 makes it clear foreign actors are targeting the country and President Trump.

19 Heather-Ann:Tucci:Jarraf warned of the legal fraud perpetrated on all
20 Americans. The "money" the banks issue is merely bookkeeping entries. It cost

1 them nothing and is not backed by their wealth, efforts, property, or risk. It is not
2 redeemable except in more debt paper. The Federal Reserve Act forced Americans
3 to pay compound interest on thin air and use worthless “notes” **backed by their**
4 **own credit**. The FBI, US Attorneys, and district court judges were all made aware
5 of the criminal conduct.

6 Perpetrators and coconspirators are in violation of their oath to uphold the
7 Constitution for the United States and that makes them guilty of treason.

8 **XXVII)** Bonding/Liability Information

9 Perpetrators and coconspirators have not provided their bonding information
10 to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. We are fairly sure their
11 bond was written in accordance with the uniform bonding code and requires:

- 12 a. Obey the Constitution of the United States and the state where you are
13 employed to ensure equal protection under the laws.
14
- 15 b. Do not act in **conspiracy** to interfere with due process of law.
16
- 17 c. Do not fail to accept a complaint from an American about an official.
18
- 19 d. Do not refuse to prosecute a complaint regardless who the complaint is
20 against.
21
- 22 e. Do not resort to “selective prosecution,” or false or malicious prosecution of
23 an American in order to punish or destroy an American.
24
- 25 f. Do not fail to protect due process and equal protection laws of every
26 American.
27

g. Do not fail to protect the legal process for all parties without exception. (42 USC 1986)

h. Ensure the setting of the case is proper, the parties to the action are all truthfully stated, and all civil and criminal elements are clearly identified and segregated into their own jurisdictional categories.

i. A criminal case brought in behalf of the peace and dignity of the state:

A) has been brought ex rel accusers, that is, "on the telling or relation/story of the accuser" with the accusation being related to the prosecuting attorney by the accuser,

B) has named the accuser in the setting of the case, and

C) contains signed and notarized affidavit of the accuser in the body of the complaint. Otherwise, the state would become the plaintiff/accuser, the case would become federal, and the bonding company would become potentially liable for an agent's false accusation and false imprisonment of a party to the case.

Please forward this complaint to the bonding/liability company of the respective perpetrators and conspirators.

XXVIII) Rules of Professional Conduct

It would probably be easier to ask if there is a rule the perpetrators and coconspirators didn't violate.

RULE 8: RULES OF PROFESSIONAL CONDUCT RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

(a) shall refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;

(c) shall not advise an unrepresented accused to waive important pretrial rights;

1 [1] A prosecutor has the responsibility of a minister of justice whose duty is
2 to seek justice rather than merely to advocate for the State's victory at any given
3 cost. *See State v. Superior Oil, Inc.*, 875 S.W.2d 658, 661 (Tenn. 1994)

4 Perpetrators and coconspirators Cynthia F. Davidson and Anne-Marie Svolto
5 acted more like ministers of sin – not ministers of justice or the law. Only
6 ministers of Satan would do something as diabolical as snatch an innocent man and
7 woman out of their life, away from their family—their young children—their
8 spouse or significant other—their friends—and fabricate a fraud and money
9 laundering charge to falsely imprison them for years for financial benefit and to
10 hide the theft of \$31,000,494.97. Justice and the law never made an appearance in
11 their conspiracy. They were not advocating for justice and the law or for the
12 American people in this case.

13 **XXIX)** Remedy and Conclusion

14 **Remedy** (1-8)

- 15 1. Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf must be
16 immediately released from false imprisonment.
17
- 18 2. Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf 's file must be
19 expunged.
20
- 21 3. Issue Randall-Keith:Beane a new social security number because the
22 perpetrators and conspirators have his social security number plastered all
23 over their documents which are all over the internet.
24

1 4. Investigate the perpetrators and conspirators and immediately remove
2 them from their position of emolument to protect the American people.
3 Prosecute them for violations. Revoke the perpetrators and conspirators'
4 pension and other benefits. They should not be allowed to retire on the
5 backs of the American people they attacked and violated through their
6 position of emolument and unlawful conduct.

7
8 5. Appoint a committee of Constitutional Patriots to volunteer to serve
9 their country and fellow-Americans and review all the case files handled by,
10 or which involved, the perpetrators and conspirators to determine if there
11 was fraud or other violations. No one should be content to leave innocent
12 Americans imprisoned as a result of investigative, prosecutorial, and judicial
13 illegal and unlawful activity.

14
15 6. Investigate every member of the grand jury and trial jury to determine
16 how they reached an indictment and guilty verdict in a case riddled with FBI
17 and US Attorney fraud, and in which there clearly was no jurisdiction. Were
18 they bribed? Were they threatened?

19
20 7. In Trezevant v. City of Tampa (Attachment #60.1, #60.2, and #60.3)
21 Mr. Trezevant found himself behind bars due to a traffic citation. The jailer
22 took Mr. Trezevant's valuables and his belt and shoes and placed Mr.
23 Trezevant in a holding cell until he could be processed. Mr. Trezevant was
24 in the holding cell for a total of twenty-three minutes. Mr. Trezevant sued
25 and the jury returned a verdict of \$25,000 in favor of Mr. Trezevant for
26 being falsely imprisoned for twenty-three minutes. That's \$1,086.96 per
27 minute for each minute of freedom and liberty unlawfully taken from Mr.
28 Trezevant. The Fifth circuit found the verdict was not excessive and
29 affirmed the judgment. The ruling has not been appealed. (Att. #60.3)

30 By our calculation, from July 11, 2017 through February 28, 2021 Mr.
31 Beane has been falsely imprisoned for approximately 1,928,160 minutes. Using
32 the formula the Trezevant jury used that would be an award of approximately
33 \$2,095,832,793.00. Sounds like a lot of money, right? Would you give up your

1 freedom and liberty for \$2 billion dollars? We wouldn't. Without freedom and
2 liberty there is no life.

3 The 1,928,160 minutes were unlawfully stolen from Randall-Keith:Beane
4 and a few less minutes stolen from Heather-Ann:Tucci:Jarraf. They can NEVER
5 get that time back – time they could have spent with their loved ones – with young
6 children – spouse/significant other – friends – pursuing dreams – or just LIVING
7 LIFE! They suffered the loss of their freedom and liberty because the perpetrators
8 and conspirators framed them to hide the theft of \$31,000,494.97.

9 Ask the perpetrators and coconspirators how much time they're willing to do
10 in prison away from their loved ones. They likely wouldn't want to spend one
11 minute in prison and they actually committed felony crimes against Mr. Beane and
12 Mrs. Tucci:Jarraf. They all had a hand in the felony kidnapping and fabricated
13 fraud charges either directly or as an accessory. (Att. #44)

14 On July 13, 2017 Magistrate Rowe of the Tennessee general sessions court
15 ordered the sheriff to release Randall-Keith:Beane on recognizance (ROR).
16 Magistrate Rowe also emailed the DA to cancel the instrument. (Trial Transcript,
17 Volume VII, P. 24, Line 13-25) Unbelievably, they did not release Mr. Beane.
18 The Knoxville sheriff conspired with the FBI in an arrangement to hold Mr. Beane
19 while the FBI worked to illegally maneuver an indictment (July 18, 2017) and
20 district court issued arrest warrants (July 19, 2017) so that they could arrest
21 Heather-Ann:Tucci:Jarraf and re-arrest Randall-Keith:Beane to put them both in
22 the federal system. The harm they caused Randall-Keith:Beane and Heather-
23 Ann:Tucci:Jarraf was KNOWING, INTENTIONAL, PURPOSEFUL, and
24 DETERMINED.

25 The perpetrators and conspirators conduct was sinister, wrongful, injurious,
26 unjust, reckless, unlawful, and a conspiracy to deprive rights. It's despicable!
27 Correcting the damage they've done must begin with immediately releasing
28 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf from unlawful imprisonment.

29 8. Given the United States is a Christian Nation Under God (Att. #79),
30 with founding documents based upon the principles in the Bible and the Ten
31 Commandments, a more meaningful remedy than the Trezevant formula
32 would be Exodus 21:23-25:

- 1 (1) ²³ And if any mischief follow, then thou shalt give life for life,
2 (2) ²⁴ Eye for eye, tooth for tooth, hand for hand, foot for foot,
3 (3) ²⁵ Burning for burning, wound for wound, stripe for stripe.

4 The perpetrators and conspirators plotted, falsely imprisoned, and sentenced
5 Randall-Keith:Beane to 155 months (12.9 years) in prison and Heather-
6 Ann:Tucci:Jarraf to 57 months (4.75 years) in prison so accordingly:

- 7 (a) Each perpetrator and conspirator must receive 155 months + 57 months =
8 212 months (17.7 years) prison sentence.
9 (b) Each perpetrator and conspirator must pay Randall-Keith:Beane a “personal
10 money judgment” of \$553,749.99.
11 (c) Each perpetrator and conspirator must pay Randall-Keith:Beane “criminal
12 monetary penalties” of \$511,289.02 immediately in a lump sum.
13 (d) Each perpetrator and conspirator must pay Randall-Keith:Beane
14 “Restitution” of \$510,589.02.
15 (e) Each perpetrator and conspirator must pay Randall-Keith:Beane for the
16 Randall Keith Beane Factualized Trust (of which he is the trustee) stolen
17 private property motorhome \$503,110.68
18 (f) Each perpetrator and conspirator must be required to work in prison for
19 \$0.06 cents per hour and send \$25.00 per quarter to Randall-Keith:Beane.
20 (g) Each perpetrator and conspirator must be held responsible for and therefore
21 must return the \$31,000,494.97 they unlawfully seized (stole) from Randall-
22 Keith:Beane’s USAA bank account.
23 (h) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
24 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
25 receive a beat-down until their body is covered in bruises and sore.
26 (i) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
27 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
28 receive a black eye and twisted arm.
29 (j) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
30 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
31 be strangled to near death.

1 (k) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
2 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
3 suffer a dog growling at their head wanting to bite them.

4 (l) Each perpetrator and conspirator at Buddy Gregg RVs & Motor Homes on
5 July 11, 2017 when Mr. Beane was assaulted and unlawfully arrested must
6 stand in public view in their underwear or panty handcuffed for 45 minutes
7 to an hour in the burning hot sun.

8 (m) Each perpetrator and conspirator must make Heather-Ann:Tucci:Jarraf
9 whole for all that she has suffered and lost. If it is easiest to calculate using
10 the Trezevant formula of \$1,086.96 per minute for each minute she has been
11 unlawfully detained and falsely imprisoned then use that formula. You'll
12 never make Mrs. Tucci:Jarraf and Mr. Beane whole but you must try.

13 Do to the perpetrators and conspirators what they did to Randall-
14 Keith:Beane and Heather-Ann:Tucci:Jarraf. **Does (h), (i), (j), (k), and (l) sound**
15 **crazy to you? If so just remember that's what they did to Mr. Beane – FOR**
16 **NO GOOD REASON!**

17 Violation of 18 U.S. Code § 241, Conspiracy against rights and 18 U.S.
18 Code § 242, Deprivation of rights under color of law both allow the following:

19 "...if such acts include kidnapping...imprisoned for any term of years or for life,
20 or both, or may be sentenced to death." The line "may be sentenced to death" is
21 in sections 241 and 242 to reflect the serious nature of kidnapping and unlawful
22 theft of liberty, freedom, private property and rights. If you don't want to charge
23 the perpetrators and conspirators with violation of §§ 241 and 242 you must stop
24 charging Americans with violation of the US Code. Release from prison everyone
25 who was convicted and imprisoned under the US Code.

26 "Any deprivation by one person of the liberty of another without his consent,
27 constitutes an imprisonment, and if this is done unlawfully, it is false
28 imprisonment, without regard to whether it is done with or without probable
29 cause." (Mahan v. Adam, 144 Md. 355, 124 Atl. 901, 905 (1924). **Where the**
30 **life, liberty or property of an American is at stake, good intentions are never**
31 **good enough.** It has been stated that an American's liberty must not depend upon

1 good faith merely, but upon legal rules governing official action. (Hill v.
2 Wyrosdick, 216 Ala. 235, 113 So. 49,50 (1927).

3 **Conclusion**

4 The bottom line is the district court did not have subject matter jurisdiction
5 or personal jurisdiction and for the court to proceed with trial and make a judgment
6 and sentence after the jurisdictional challenge was made is clear usurpation and
7 treason. (Att. #45)

8 There's little doubt Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were
9 victimized by a crime ring. Randall-Keith:Beane suffered bodily injury, including
10 a bleeding cut to the head, at the hands of those who unlawfully arrested him.
11 They strangled Mr. Beane until he cried out "I can't breathe" and you certainly
12 can't call that anything less than attempted murder. They felony kidnapped
13 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. They all knew what they
14 were doing was wrong and against the law but they did it anyway. They intended
15 to engage in unlawful conduct because it was a plot and conspiracy to hide the
16 theft of \$31,000,494.97. There was no mistake or misperception about it. They
17 framed Mr. Beane and Mrs. Tucci-Jarraf for a crime they made up to hide the theft
18 of \$31,000,494.97 and to punish Mrs. Tucci-Jarraf for her UCC filings.

19 Perpetrators and conspirators Thomas A. Varlan and C. Clifford Shirley
20 lacked jurisdiction of the subject matter and the parties from the beginning. All of
21 the judgments, including the judgment entered by the court, are VOID and

1 INVALID because the court lacked the power to enter the judgments and orders.
2 Perpetrator and conspirator Thomas A. Varlan entered the judgment without
3 jurisdiction to enter the judgment. The case brought against Randall-Keith:Beane
4 and Heather-Ann:Tucci:Jarraf is the product of fraud by the perpetrators and
5 conspirators. The judgments and orders are a complete nullity from inception and
6 they are without any legal effect. The court handled this case in a manner
7 inconsistent with due process. The court lacked jurisdiction and authority to order
8 any judgment and they knew it. "A judgment may not be rendered in violation of
9 constitutional protections. The validity of a judgment may be affected by a failure
10 to give the constitutionally required due process." (Earle v. McVeigh, 91 US 503,
11 23 L Ed 398. See also Restatements, Judgments ' 4(b). Prather v Loyd, 86 Idaho
12 45, 382 P2d 910.) "An order that exceeds the jurisdiction of the court is void..."
13 (Rose v. Himely (1808) 4 Cranch 241, 2 L ed 608) "When a judge knows that he
14 lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving
15 him of jurisdiction, judicial immunity is lost." (*Rankin v. Howard*, (1980) 633
16 F.2d 844)

17 Some of the perpetrators and conspirators were in on the conspiracy from
18 the beginning and devised the plot to steal \$31,000,494.97 from Randall-
19 Keith:Beane and imprison Mr. Beane and Mrs. Tucci:Jarraf. Other perpetrators
20 and conspirators joined in later. Given the FBI and US Attorney launched the

1 fabricated case and did not have jurisdiction - nobody had jurisdiction. They all
2 knowingly and intentionally trespassed the law.

3 Knoxville County Sheriff Deputies knowingly and intentionally trespassed
4 the law.

5 United States District Court for the Eastern District of Tennessee judges
6 Thomas A Varlan and C. Clifford Shirley, Jr. knowingly and intentionally
7 trespassed the law.

8 United States Court of Appeals for the Sixth Circuit judges Jeffrey Sutton,
9 Deborah L. Cook, and Amul Thaper knowingly and intentionally trespassed the
10 law.

11 Other participants in the conspiracy include Tennessee district court clerk
12 Debra C. Poplin, John Medearis, court appointed counsel, FBI expert witness
13 Zach Scrima, Sean O'Malley, Stephen G. McGrath, Bobby Hutson, Jr., True
14 Brown, USAA Bank executive team, sheriff deputies, Stephen Louis Braga and
15 others all knowingly and intentionally trespassed the law.

16 Jurisdiction was never had but it certainly would have been lost the moment
17 the perpetrators and coconspirators used a South Carolina statewide misdemeanor
18 traffic related bench warrant that had been disposed of two years earlier, created
19 fraudulent Tennessee district court arrest warrants not signed by the clerk (Debra

1 C. Poplin), and used an indictment that was secured through fraud and the
2 testimony of the one and only witness, a FBI agent, who did not have jurisdiction.

3 Those responsible for the legal process know if you don't have jurisdiction
4 you don't have power or authority. The district judges didn't have jurisdiction for
5 all the reasons stated and the appellate court did not have jurisdiction either.

6 They all denied Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf due
7 process. All orders are void and Randall-Keith:Beane and Heather-
8 Ann:Tucci:Jarraf must immediately be released from prison. Let's again go
9 through some of the problems with this case:

10 a. There are two ways for a federal court to gain subject-matter
11 jurisdiction. US Attorney and District Court judge perpetrators and
12 conspirators assert 18 U.S. Code §3231 gave them jurisdiction. Section
13 3231 is not one of the two ways a federal court gains subject-matter
14 jurisdiction. (Att. #6) Section 3231 states "of all offenses against the laws
15 of the United States." (Att. #24) There was no charge Mr. Beane or Mrs.
16 Tucci:Jarraf committed an "offense" "against the laws" of the United States.
17 It is not possible to commit an offense or a crime or a misdemeanor against a
18 "law." One can breach the law or violate the law, but one cannot commit an
19 offense against the law. Section 3231 is intentionally vague.

1 b. During the appeals process, the following perpetrators and
2 conspirators knew they did not have jurisdiction:

- 3 1) Jeffrey Sutton, Circuit Judge, United States Court of Appeals for the Sixth
4 Circuit
- 5 2) Deborah L. Cook, Senior Circuit Judge, United States Court of Appeals for
6 the Sixth Circuit
- 7 3) Amul Thaper, Circuit Judge, US Court of Appeals for the 6th Circuit
- 8 4) United States Attorney James Douglas Overbey
- 9 5) Assistant United States Attorney Cynthia F. Davidson, Esquire
- 10 6) Assistant United States Attorney Anne-Marie Svolto, Esquire

11
12 In his appellate brief for Randall-Keith:Beane, Stephen Louis Braga said the
13 district court had jurisdiction pursuant to 28 U.S.C. § 1331 (Att. #75.2) which is
14 one of the two ways for a federal court to gain subject matter jurisdiction (Att. #5
15 and #6), but they all know section 1331 pertains to civil actions – not criminal.

16 The appellate judges could have made things right by releasing Randall-
17 Keith:Beane and Heather-Ann:Tucci:Jarraf from prison at that point but they chose
18 not to because their illegal and unlawful actions were intentional. It was a
19 conspiracy.

20 c. The plaintiff was not the alleged victim – a bait and switch. The real
21 accuser, perpetrator and conspirator True Brown of USAA Bank and the
22 USAA Bank executive team, stepped forward after the conviction when it
23 was time to steal the private property motorhome. Perpetrator and
24 conspirator True Brown states his accusation against Mr. Beane in an e-mail,

1 (Att. #62.2), in which he asserts Mr. Beane used a social security number
2 “altered by one digit” to access his treasury direct deposit account. This e-
3 mail was delivered to Mrs. Tucci:Jarraf AFTER conviction. It was not
4 delivered to Mr. Beane. Mr. Beane and Mrs. Tucci:Jarraf were denied their
5 right to face their accusers – True Brown, Stuart Parker, Wayne Peacock,
6 Dan McNamara, Michael Merwarth, Torben Ostergaard, Dana Simmons,
7 and Laura Bishop of USAA Bank.

8 d. The perpetrators and coconspirators know that when there is an injury
9 sustained as the result of fraud the injured party would be entitled to be
10 compensated in a tort action for the loss or injury actually sustained. The
11 fraud case they fabricated did not have an injured party. They didn’t have an
12 injured party because there was no fraud committed by Mr. Beane or Mrs.
13 Tucci:Jarraf. The US Attorney perpetrators and conspirators didn’t use the
14 word “felony” or “felonious” because there was no felony or other type of
15 crime committed.

16 e. The FBI did not have jurisdiction according to 18 USC §3052. There
17 was no offense against the United States and no cognizable felony. Section
18 3052 gives power to serve warrants ISSUED UNDER THE AUTHORITY
19 OF THE UNITED STATES – not South Carolina. (Att. #15) Perpetrator
20 and conspirator Parker Still DID NOT have an arrest warrant issued under

1 the authority of the United States on July 11, 2017. Because the FBI
2 illegally and unlawfully arrested Mr. Beane none of the others relying on the
3 FBI could have jurisdiction.

4 f. Perpetrator and conspirator Parker Still used a South Carolina
5 statewide traffic related bench warrant that had been disposed of two years
6 earlier to arrest Mr. Beane on July 11, 2017.

7 g. Article I, Section 8 of the Constitution clearly specifies the 18 duties
8 congress is tasked with. Anything beyond those 18 duties is trespass of the
9 law.

10 h. Article III, Section 2 specifies judicial powers. Anything beyond that
11 is trespass of the law.

12 i. The United States District Court for the Eastern District of Tennessee
13 issued a fraudulent arrest warrant for Randall-Keith:Beane and Heather-
14 Ann:Tucci:Jarraf. Neither arrest warrant was in compliance with U.S. Code
15 Rule 9 (Arrest Warrant or Summons on an Indictment -- The warrant must
16 conform to Rule 4(b)(1) except that **it must be signed by the clerk** – Debra
17 C. Poplin)

18 j. It was not an Article III court.

19 k. Perpetrator and conspirators Thomas A. Varlan and C. Clifford
20 Shirley were supposed to be running a court of record but it was not a court

1 of record in accordance with 28 U.S. Code § 132(a) Creation and
2 composition of district courts – “a district court shall be a court of record.”
3 (Att. #8) Our U.S. Constitution only authorizes “common law courts,” also
4 known as “courts of record” where the judge’s role is ministerial.

5 l. Perpetrator and conspirator Parker Still admitted to due process
6 violation when he testified under oath, “...that's some of TV stuff where we
7 serve people, put a warrant in their hands.” (Heather-Ann:Tucci:Jarraf
8 Cross Examination of Parker Still, Trial Transcript Vol. I, P. 69, Line 14-15)

9 m. Instead of doing a motion to dismiss for violation of due process Sua
10 Sponte, perpetrator and conspirator Thomas A. Varlan hushed Heather-
11 Ann:Tucci:Jarraf when she responded with shock to perpetrator and
12 coconspirator Parker Still’s flippant TV response to serving a warrant. Trial
13 transcript – “**THE COURT:** Let's not comment on the evidence. Let's go
14 ahead and ask the next question.” (Trial Transcript Volume I, P. 70, Line 7-
15 8). “It is the duty of the courts to be watchful for the Constitutional rights
16 of Americans and against any stealthy encroachment thereon.” (Boyd v.
17 United States, 116 U.S. 616, 635)

18 n. Perpetrator and conspirator Parker Still admitted under oath he didn’t
19 try to get a Tennessee district court arrest warrant. He wanted a seizure

1 warrant to steal the motorhome under the protection of the state, but he
2 didn't have a seizure warrant either on July 11, 2017. Trial transcript --

3 **Cynthia F. Davidson Re-direct Examination of Parker Still, Trial**
4 **Transcript Volume I, P. 80, Line 11-21**

5
6 Q What kind of warrant were you working on on the 11th?

7
8 A That was a seizure warrant, an affidavit of seizure warrant,
9 probable cause warrant to seize the motor home.

10
11 Q So you weren't working on an arrest warrant or complaint or
12 any other sort of arrest process for Mr. Beane at that time?

13
14 A No, ma'am. At the time, we were working, the way I recall it,
15 was on an actual seizure warrant. Because that's why I had been speaking
16 with Ms. Svolto who is the -- generally does the forfeiture work with the
17 U.S. Attorney's Office. That's the way I recall it."

- 18
19 o. There was no probable cause hearing. There was no first-hand
20 statement of personal knowledge of wrong doing.
- 21 p. Randall-Keth:Beane, under duress, signed a detention hearing waiver.
22 If there was lawful cause to detain him there would not have been a need to
23 force him to sign a waiver under threat of physical harm.
- 24 q. Perpetrator and coconspirator Parker Still admitted under oath they
25 did not follow due process and the US Attorney's office gave him the green
26 light to ignore due process and carry on with his South Carolina statewide
27 misdemeanor traffic related bench warrant that they knew had been disposed
28 of two years earlier.

1 Trial excerpt:

2
3 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
4 **Transcript Volume I, P. 57, Line 15-23**
5

6 Q My question is, just what is your general understanding -- because
7 were you the one that made the call to go and arrest -- well, to arrest, we'll
8 just say at this point, to arrest Randall Beane and seize the vehicle? Were
9 you the one that made that call?

10
11 A You know, I think we -- **I spoke to the U.S. Attorney's Office to let**
12 **them know what we were on the way to do, yes, ma'am. I -- so I guess,**
13 **yeah, I did. I was letting know the U.S. Attorney's Office.**"
14

15 r. Perpetrator and coconspirator Parker Still admitted under oath they
16 committed aggravated assault causing bodily injury against Randall-
17 Keith:Beane. Trial transcript -- "He was -- he did, as you said, **he obtained**
18 **a cut on his head**. We had an EMT, Jason, who was at the scene, is an agent
19 who's also an EMT and he treated him immediately." (Heather-
20 Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript Volume
21 I, P. 74, Line 5-7)

22 s. Perpetrator and coconspirator Thomas A. Varlan did not allow the
23 opening statements and the closing statements to be transcribed and it's no
24 wonder. Perpetrator and coconspirator Anne-Marie Svolto accused Randall-
25 Keith:Beane of robbing a bank in her opening statement. God knows what
26 else she said to mislead and prejudice the jury that he didn't want transcribed
27 and easily reviewed. There was no robbery charge.

1 Trial excerpt:

2
3 **Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial**
4 **Transcript Volume I, P. 58, Line 6-7; 12**
5

6 **Q** “You're talking about, per Ms. Svolto's opening statement, that he was
7 robbing a bank?”
8

9 **A** Yes, ma'am.
10

11 t. Perpetrators and coconspirators knowingly and intentionally violated
12 the law and trespassed on private property. They did not have an arrest or
13 search and seizure warrant.

14 u. The FBI did not interview Randall-Keith:Beane.

15 v. The US Attorney did not interview Randall-Keith:Beane.

16 w. The US Attorney and district court judges did not hire a UCC expert
17 for a determination of the validity of Heather-Ann:Tucci:Jarraf's UCC
18 filings to help them make a legal determination regarding that aspect of the
19 jurisdiction challenge.

20 The Clerk, perpetrator and conspirator Debra Poplin, guardian of the
21 records, knew her signature wasn't on the Tennessee district court warrants issued
22 to arrest Mr. Beane and Mrs. Tucci:Jarraf. The US Attorneys and District Court
23 Judges knew the FBI used a South Carolina traffic related bench warrant that was
24 statewide and disposed of two years earlier as the predicate to arrest and detain Mr.

1 Beane from July 11, 2017 until July 27, 2017 (17 Days) until they could serve Mr.
2 Beane with the fraudulent Tennessee district court arrest warrant at the Knoxville
3 county jail where Mr. Beane was being unlawfully held by the sheriff.

4 The appellate judges clearly had eyes only for the fake and the petty, but not
5 anything pertaining to their job – justice and the rule of law. They took note of
6 perpetrator and conspirator Parker Still’s testimony - “She (referring to Mrs.
7 Tucci:Jarraf) said that she could not speak with us – or she spoke briefly with us
8 and told us that she could no longer talk due to planning military operations,
9 something to that effect. **We have subsequently learned that possibly, again,**
10 **speculating, that that comment meant, “Military Operations,” to try to**
11 **remove Mr. Beane from the Knox County Detention Center.** That’s what,
12 **again, what I deduct.”** (Grand Jury Transcript, Page 56-57, line 21-25, 1-3)

13 Perpetrator and coconspirator Jeffrey Sutton regurgitated the “military
14 operations” foolishness in his opinion: “On the phone, Tucci:Jarraf claimed that
15 she was “planning military operations.” (Opinion – United States Court of
16 Appeals for the Sixth Circuit, P. 4, ¶ 2) Perpetrator and coconspirator Jeffrey
17 Sutton knew there was no factual evidence in the record of “planning military
18 operations” and yet he repeated it in his opinion as though it were a proven fact.

19 Perpetrator and coconspirator Anne-Marie Svolto lied to the jury and
20 accused Randall-Keith:Beane of being heavily in debt. Randall-Keith:Beane said

1 no, he was not heavily in debt. He was trying to manage his finances from his
2 illegal and unlawful incarceration. Perpetrator and coconspirator Jeffrey Sutton
3 decided to regurgitate Svolto's foolishness and add it to his appellate opinion as
4 though it were fact.

5 Trial transcript and appellate opinion:

6 Anne-Marie Svolto Cross Examination of Randall-Keith:Beane, Volume IV –
7 P. 180 – Line 12-14; 17; 22-24

8
9 Q All right. So in July, early July, you were heavily in debt, weren't
10 you?

11
12 A No.

13
14 A I was not heavily in debt, no.

15
16 A I was not defaulted. I was in jail for three weeks, and I wanted to
17 make sure that my bills stayed paid. I was looking in advance. I was not
18 behind.

19
20 Here comes perpetrator and coconspirator Jeffrey Sutton with his
21 melodramatic take on perpetrator and coconspirator Anne-Marie Svolto's "heavily
22 in debt" deception – SUTTON, Circuit Judge – "Faced with financial challenges
23 and rising unpaid bills, the individual has two legal options: shed the debts through
24 the humbling act of filing for bankruptcy or find a new source of assets." (Appeals
25 Court Opinion, P. 1, paragraph 1) Perpetrator and coconspirator Sutton most
26 certainly read the line where Mr. Beane said he was not heavily in debt so why

1 would he repeat perpetrator and conspirator Anne-Marie Svolto's lie in his
2 opinion? Conspirators of a plot flock together.

3 The appeals opinion speaks of when Randall-Keith:Beane went to bed and
4 woke, and "...motor home that had two bathrooms, marble floors, and a
5 fireplace." (Appellate court opinion – reference p. 3, paragraph 3, 4) Who cares
6 when Mr. Beane went to bed and woke, or the marble floors, two bathrooms and
7 fireplace in the motorhome? Who cares? Did they follow due process? Did they
8 have personal and subject matter jurisdiction? Did they have a plaintiff with
9 standing? Did they have valid lawful arrest and search and seizure warrants? Did
10 they have authority to detain Mr. Beane and Mrs. Tucci:Jarraf? Did they have an
11 accuser testify in court? These are the things they should care about but didn't.

12 There's little doubt the outcome for Randall-Keith:Beane and Heather-
13 Ann:Tucci:Jarraf was pre-determined. For this gang of criminals it was a matter of
14 doing what was necessary to reach the end goal of many years in prison for
15 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf.

16 If perpetrator and coconspirator Parker Still completed a sworn affidavit in
17 support of a criminal complaint he would likely have perjured himself. On July
18 11, 2017 Randall-Keith:Beane did not drive the motorhome he lawfully purchased
19 off the lot. What if he changed his mind about making the purchase that day and
20 planned to asked for a refund before he was ambushed? A shoplifter is not a

1 shoplifter until he/she leaves the store with the item. Mr. Beane never left the
2 dealer lot. What if he decided he didn't want that motorhome he wanted a
3 different one? What if he was sitting in the motorhome with the engine running to
4 run the air conditioning for a guest as he gave the motorhome one last look over
5 for whatever repairs Buddy Gregg said they made? What if Mr. Beane was
6 dissatisfied with the repairs and wanted a refund? He hadn't driven it off the lot so
7 he could have changed his mind, renegotiated the deal, or whatever. Perpetrator
8 and conspirator Anne-Marie Svolto knew it was a problem that Mr. Beane had not
9 driven the motor coach off the lot before the FBI and Sheriff deputy goons
10 physically assaulted and arrested him so she – in typical sly, cunning, deceitful
11 fashion – tried to get Jerald Byrne (Buddy Gregg Manager) to testify under oath
12 that Mr. Beane had taken it home (Att. #31.8):

13 **Trial Transcript Volume II, P. 191, Line 17-19**

14 Q So then after Mr. Beane came in and after he brought the motor coach home,
15 did you guys do any warranty work?

16
17 A It wasn't -- it was never brought home.

18 The perpetrators and conspirators accused Mr. Beane of stealing a
19 motorhome he was handed the keys (Att. #30.3), and he never brought home (Att.
20 #31.8).

21 The perpetrators and conspirators acted with full knowledge of the falsity of
22 the charges, claims, and assertions they made before the grand jury and trial jury.

1 They spoke of Mrs. Tucci:Jarraf planning a ‘military operation jailbreak’ to free
2 Mr. Beane knowing this was not true. They accused Mr. Beane of altering his
3 social security account number by one digit knowing this was not true. They
4 accused Mr. Beane of using a fictitious bank account knowing the transaction
5 would not have been successful if Mr. Beane had not used his correct information.
6 They accused Mrs. Tucci:Jarraf of not being a “licensed” attorney’ and therefore
7 practicing law without a license when they knew Mrs. Tucci:Jarraf made no
8 attempt to practice law before a court as a BAR attorney or attorney-at-law/officer
9 of the court. They knew Mrs. Tucci:Jarraf surrendered her BAR card and became
10 a lawyer/attorney doing legal work for anyone seeking her assistance whom she
11 chose to work with outside the courtroom. They accused Mr. Beane of having an
12 “outstanding” and “active” arrest warrant knowing South Carolina had disposed of
13 the traffic related misdemeanor bench warrant two years earlier. They accused Mr.
14 Beane of robbery and stealing a RV neither having been a charge in the case or
15 true.

16 The conspiracy was a plot and plan full of lies and un-truths deliberately
17 conveyed to the grand jury and trial jury. They had full knowledge of the falsity of
18 what they presented. Their intent was to hide the theft of \$31,000,494.97 by
19 depriving Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf of their freedom and

1 liberty by means of fraud. It was a full on conspiracy to deprive rights and false
2 imprison Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf for many years.

3 The perpetrators and conspirators made up the rules as they went along. It
4 seems fairly clear perpetrator and coconspirator Chief United States District Judge
5 Thomas A. Varlan did not run an Article III court or a court of record. So what
6 kind of court was it? It was a trafficking kangaroo court.

7 The FBI, University of Tennessee Police Department, Knoxville County
8 Sheriff Deputies, US Attorneys, and others all acted with complete wantonness.
9 They didn't care one bit about the process due Mr. Randall-Keith:Beane. They
10 wanted to hurt him and hurt him bad. (Att. 34.6) They didn't care about
11 Tennessee's no trespass laws, federal criminal trespass laws, aggravated
12 assault/battery laws, search/seizure/arrest laws, or due process. They each flipped
13 the bird to the United States and Tennessee Constitutions. (Att. #22, #38, #39,
14 #47, #48, #49, #50, etc.)

15 The Perpetrators and conspirators decided they would teach Mr. Randall-
16 Keith:Beane a lesson to make sure he kept his mouth shut about the
17 \$31,000,494.97 they took from his USAA bank account. After they trespassed
18 onto private property without Mr. Beane's consent they proceeded to physically
19 assault and battery Mr. Beane. They beat him. The beating was bad enough to
20 cause bleeding from Mr. Beane's head and they had to bandage it to stop the

1 bleeding. But even in bandaging Mr. Beane's head they were vicious as they
2 wrapped Mr. Beane's head too tight likely to intentionally bring further pain and
3 discomfort to Mr. Beane.

4 Were the perpetrators and coconspirators working for the FBI and DOJ or
5 were they moonlighting for a private and/or foreign entity and given the mission to
6 convict Randall-Keth:Beane and Heather-Ann:Tucci:Jarraf no matter what?

7 The aggravated assault and battery went **beyond excessive force.** They
8 wanted to hurt Mr. Beane. (Att. #34.6) They strangled Mr. Beane until he
9 screamed **"I can't breathe,"** and they elbowed him to the head until he
10 bled. They twisted Mr. Beane's arm. They gave Mr. Beane a black eye. They
11 put several bruises all over Mr. Beane's body. Mr. Beane was hurting all over
12 from the beating they gave him (Att. #34.7) – ALL WITHOUT CAUSE OR A
13 VALID WARRANT. The FBI, University of Tennessee Police Department, and
14 Knoxville County Sheriff deputies had no right to lay even a finger on Mr. Beane.
15 They had no arrest warrant. They had no search warrant. They had no seizure
16 warrant. They had no probable cause. They had no subpoenas. They had no
17 sworn complaint or affidavit. They had no accuser. They had nothing – zero, zip,
18 zilch, nada!

1 If you are willing to participate in a plot and conspiracy in which you lie
2 your way to an indictment and conviction of an innocent man and an innocent
3 woman you have **worked for, earned,** and must receive **a traitor's justice!**

4 Each and every perpetrator and conspirator has **worked for, earned,** and
5 should receive **a traitor's justice!** (See Att. #38, #39, #40, #41, #43, #44, #45,
6 #46, etc.)

7 It's clear no one reviewed this case after conviction. It's also clear there was
8 no FBI, DOJ, or district court supervision.

9 We know what kind of court it wasn't. We know it was not an Article III
10 court. We know it was not a court of record. The one thing it clearly appears to
11 have been is a kangaroo trafficking court. The rules were made up as the
12 perpetrators and coconspirators moved their conspiracy toward conviction.

13 **DEFINITION**

14 What is a KANGAROO COURT?

15
16 **“the name that is given to an unauthorized court that is set up without**
17 **legal power and authority that takes the law into its own hands.”**
18 (<https://thelawdictionary.org/kangaroo-court/>)

19 Keep in mind, as perpetrator and coconspirator Anne-Marie Svolto
20 questioned Randall-Keith:Beane about the South Carolina warrant she knew the
21 warrant was (1) disposed of two years earlier - 07/17/2015, and (2) It was a

1 statewide warrant. This is the likely reason she guided Randall-Keith:Beane to the
2 top of the warrant and the bottom of the warrant. She did not want anyone to look
3 at the middle of the warrant where it says: "To all and Singular the Sheriffs
4 Deputy Sheriffs Constables and other Peace Officers of the said State Greeting."
5 You don't see anything on that South Carolina bench warrant that would give the
6 FBI jurisdiction. That's what she was hiding in the middle of the warrant. Look at
7 the top, look at the bottom, but don't look in the middle.

8 It's extraordinary that perpetrator and coconspirator Anne-Marie Svolto
9 knew the South Carolina statewide misdemeanor traffic related bench warrant was
10 invalid and she continued with the conspiracy deception.

11 Trial excerpt:

12 **Anne-Marie Svolto Cross Examination of Randall-Keith:Beane, Trial**
13 **Transcript Volume IV, P 228-230, Line 22-25; 1-6; 15-20; 23-25; 1-22**

14
15 Q So you think there was no warrant for your arrest?

16
17 A Yes, ma'am.

18
19 Q I'd like to show you, the witness and defense only,
20 what's now been marked as -- oh, they're not in the system, but I'll have to put a
21 sticker on, excuse me. This will be Government Exhibit 165. Do you see that
22 document?

23 A Yes, I see that.

24
25 Q Okay. All right. So you see that there?

26
27 A Yes.

1 Q Can you read the top of that, please?

2
3 A "State of South Carolina, County of Jasper, Bench Warrant, failure to
4 appear, the State versus Randal Keith Beane."
5

6 Q All right. If we could scroll down to the bottom of the page, right
7 under the word "Witness." So can you read the date down there, please?
8

9 A April 17th, 2015.
10

11 Q So you would agree with me that this is a warrant. Correct?

12 A It appears to be.
13

14 Q All right. What's the name there on that warrant?
15

16 A "Randal Keith Beane."
17

18 Q All right. And so –
19

20 A It's a miscorrect spelling.
21

22 Q A miscorrect spelling. All right. And then it says "State of South
23 Carolina"?
24

25 A Yes.
26

27 Q "County of Jasper"?
28

29 A Correct.
30

31 Q All right. So you were told you had a warrant out for your arrest, and
32 your testimony just now is that there was no warrant for you?
33

34 A Correct.
35

36 Q All right. So this warrant, which, again, I'll refer to the date at the
37 bottom there, April 17, 2015.
38

39 A Correct.

1 Q You're saying that this warrant doesn't exist?

2
3 A It didn't until the 10th of July or -- it was -- actually, let me rephrase
4 it. It didn't until the 13th of July.

5
6 **Anne-Marie Svolto Cross Examination of Randall-Keith:Beane, Trial**
7 **Transcript Volume IV, P 233, Line 20-25**

8 Q All right. So is it still your position that this warrant that's now
9 Government Exhibit 165 did not exist back --

10
11 A It is, yes.

12
13 Q Okay. So is it your testimony that this warrant could never have been
14 confirmed?

15
16 A Yes.

17 There's no confusion or ambiguity here. Perpetrator and conspirator Anne-
18 Marie Svolto knew she was being deceitful and committing fraud. She knew that
19 South Carolina misdemeanor traffic related bench warrant was (1) statewide, and
20 (2) disposed of two years earlier, and yet she presented it to the jury and gallery as
21 if it were a valid warrant and a valid process.

22 Nothing the perpetrators and conspirators did was for the benefit of the
23 people. They did not have the legal authority to bring prosecution against Randall-
24 Keith:Beane and Heather-Ann:Tucci:Jarraf. They did not stay within their
25 mandate. They willfully exceeded their authority and exercised it with severity.
26 They conducted themselves like thugs with titles. They knowingly misrepresented

1 the truth. They knowingly concealed material facts to induce the juries to indict
2 and convict.

3 Who reviewed and approved the FBI's role and work in the case? Who
4 reviewed and approved the US Attorneys' work in the case? The prosecution
5 work was done in the name of Nancy Stallard Harr and James Douglas Overbey so
6 certainly they would have been aware of what was happening with a case brought
7 in their name. Who reviewed and approved the Knoxville sheriff deputy role and
8 work in the case?

9 On July 11, 2017 they didn't arrest Mr. Beane for some specified cause.
10 They simply arrested him, threw him in jail, and then set about to fabricate a fraud
11 case. They knowingly, intentionally, maliciously and recklessly misrepresented
12 Mr. Beane's social security account number knowing what they were telling the
13 grand jury and trial jury about "one digit altered" was not true. This lie was their
14 only path to the fake fraud charge.

15 The law on arrests as declared in Magna Carta states no one shall be arrested
16 or imprisoned except by the law of the land – the Constitution! This is the
17 common law made constitutional law by the due process clause.

18 Mr. Beane and Mrs. Tucci:Jarraf are the victims of despots who expressed
19 their will via corrupt legislative statutes, codes and judicial opinions regarded as
20 "evidence" of the law – not actual law.

1 The common law is meant to be restrictive upon those in government to
2 make them follow set procedures, and make it difficult to deprive the people of
3 their rights. In this case, safeguarding the rights of the innocent was never a
4 thought. It was a fabricated case from the beginning. It wasn't about due process
5 of law or the constitution or protecting rights. It was about depriving two
6 individuals of their God-given rights so the perpetrators and conspirators could
7 hide the theft of \$31,000,494.97. No one should be subject to an easy arrest but
8 that's exactly what happened to Randall-Keith:Beane and Heather-
9 Ann:Tucci:Jarraf.

10 The constitution is the law of the land and it was written to restrict the
11 actions of those in government. But it is daily being violated by judges,
12 prosecutors, legislators, and police on the take. Randall-Keith:Beane and Heather-
13 Ann:Tucci:Jarraf are the victims of official illegality. The perpetrators and
14 coconspirators fabricated a fraud and money laundering crime against Randall-
15 Keith:Beane and Heather-Ann:Tucci:Jarraf and falsely imprisoned them using the
16 power of the state.

17 We are not educated enough to know the adjective that truly describes the
18 horrific nature of the crimes these perpetrators and conspirators committed against
19 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. The perpetrators and

1 conspirators, though they took an oath to uphold the Constitution, each revolted
2 against its authority.

3 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf must be immediately
4 released from their false imprisonment. They are victims of a conspiracy planned
5 among a group of Tennessee FBI, DOJ, Knox Sherriff deputies, judges, Texas
6 bankers, NY Federal Reserve Bank and other miscellaneous crooks. In this case
7 the criminals are running loose pretending to be decent respectable investigators,
8 prosecutors, judges, government officials, and bankers when in reality they're just
9 lawless CRIMINALS who've thus far evaded the law.

10 It is long past time they answer for the crimes they committed against
11 Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. Mr. Beane and Mrs.
12 Tucci:Jarraf are copied on this complaint. Please contact them immediately.

13 Sincerely,
14 The Private Natural American People
15 S. Robinson, et al.
16
17

18 Copy to: (1) Randall-Keith:Beane
19 Reg. #52505-074
20 FCI Elkton
21 P.O. Box 10
22 Lisbon, Ohio (44432)
23 USPS Priority Mail #9505 5105 6958 1070 4621 03

24
25 (2) Heather-Ann:Tucci:Jarraf
26 Reg. #86748-007
27 FCI Dublin

1 5701 8th Street – Camp Parks
2 Dublin, California (94568)
3 USPS Priority Mail #9505 5105 6958 1070 4621 10

4 (3) Ms. Crawford
5

6 **XXX) Cases**
7

- 8 • **United States v. Throckmorton, 98 U.S. 61 (1878) (Att. #83.2, #83.3)**
9

10 “There is no question of the general doctrine that fraud vitiates the most solemn
11 contracts, documents, and even judgments.” “Fraud vitiates every thing...”

- 12 • **Hale v. Henkel, 201 U.S. 43 (1906)**
13

14 "that a compulsory production of a man's private papers to establish a criminal
15 charge against him, or to forfeit his property, is within the scope of the Fourth
16 Amendment to the Constitution, in all cases in which a search and seizure would
17 be," and that the order in question was an unreasonable search and seizure within
18 that amendment.
19

20 “...the compulsory extortion of a man's own testimony, or of his private papers, to
21 connect him with a crime of a forfeiture of his goods is illegal (p. 116 U. S. 634)
22

23 “He is entitled to carry on his private business in his own way. His power to
24 contract is unlimited. He owes no duty to the State or to his neighbors to divulge
25 his business, or to open his doors to an investigation, so far as it may tend to
26 criminate him. He owes no such duty to the State, since he receives nothing
27 therefrom beyond the protection of his life and property. His rights are such as
28 existed by the law of the land long antecedent to the organization of the State, and
29 can only be taken from him by due process of law, and in accordance with the
30 Constitution. Among his rights are a refusal to incriminate himself and the
31 immunity of himself and his property from arrest or seizure except under a warrant
32 of the law. He owes nothing to the public so long as he does not trespass upon their
33 rights.”
34

35 Upon the other hand, the corporation is a creature of the State. It is presumed to be
36 incorporated for the benefit of the public. It receives certain special privileges and
37 franchises, and holds them subject to the laws of the State and the limitations of its

1 charter. Its powers are limited by law. It can make no contract not authorized by its
2 charter. Its rights to act as a corporation are only preserved to it so long as it obeys
3 the laws of its creation.

4
5 “We are also of opinion that an order for the production of books and papers may
6 constitute an unreasonable search and seizure within the Fourth Amendment.

7 While a search ordinarily implies a quest by an officer of the law, and a seizure
8 contemplates a forcible dispossession of the owner, still, as was held in the *Boyd*
9 case, the substance of the offense is the compulsory production of private papers,
10 whether under a search warrant or a subpoena *duces tecum*, against which the
11 person, be he individual or corporation, is entitled to protection.”

12 And we have been unable to perceive that the seizure of a man's private books and
13 papers, to be used in evidence against him, is substantially different from
14 compelling him to be a witness against himself.”

15
16 “Article 5. No person . . . shall be compelled in any criminal case to be a witness
17 against himself, nor to be deprived of life, liberty, or property without due process
18 of law; nor shall private property be taken for public use, without just
19 compensation.”

20
21 Under the ancient English system, criminal prosecutions were instituted at the suit
22 of private prosecutors, to which the King lent his name in the interest of the public
23 peace and good order of society. In such cases, the usual practice was to **prepare**
24 **the proposed indictment and lay it before the grand jury for their**
25 **consideration.** There was much propriety in this, as the most valuable function
26 of the grand jury was not only to examine into the commission of crimes, but
27 to stand between the prosecutor and the accused, and to determine whether
28 the charge was founded upon credible testimony or was dictated by malice or
29 personal ill will.

- 30
31 • **WILLIAM MARBURY v. JAMES MADISON, Secretary of State of the**
32 **United States. 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)**

33
34 “It is a proposition too plain to be contested, that the constitution controls any
35 legislative act repugnant to it; or, that the legislature may alter the constitution by
36 an ordinary act.”

37
38 “Certainly all those who have framed written constitutions contemplate them as
39 forming the fundamental and paramount law of the nation, and consequently the

1 theory of every such government must be that **an act of the legislature repugnant**
2 **to the constitution is void.**”

3 “Thus, the particular phraseology of the constitution of the United States confirms
4 and strengthens the principle, supposed to be essential to all written constitutions,
5 that **a law repugnant to the constitution is void, and that courts, as well as other**
6 **departments, are bound by that instrument.**”

7
8 All laws, rules and practices which are repugnant to the Constitution are null and
9 void. (Marbury v. Madison, 5th US (2 Cranch) 137, 180)

10
11 • **CRUDEN vs. NEALE, 2 NC 338**

12 “every man is independent of all laws, except those prescribed by nature. He is not
13 bound by any institutions formed by his fellow-men without his consent.”

14
15 • **GROUP v. FINLETTER, 108 F.Supp. 327 (1952)**

16
17 “Defendant has filed no counter-affidavit, and therefore for the purposes of the
18 motion before the Court, **the allegations in the affidavit of plaintiff must be**
19 **considered as true**, Federal Rules of Civil Procedure, Rule 9(d), 28 U.S.C.A.”

20
21 • **United States v. W Kis, 658 F2d 526**

22
23 “It requires that the taxpayer answer the Government's case through responsive
24 pleadings, *supported by affidavits*, that allege **specific facts in rebuttal**. Any
25 **uncontested allegations** of the Government's **must be accepted as admitted.**”

26
27 • **Sims v. Ahrens, 271 S.W. 720, 167 Ark. 557**

28
29 “**The right to follow any of the common occupations** of life or to earn one's living
30 in any innocent vocation without let or hindrance **is an inalienable right**, secured to
31 all those living under our form of government by the liberty, property and
32 happiness clauses of our national and State constitutions.”

33
34 • **Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US**
35 **549, 91 L. ed. 1666, 67 S.Ct. 1409.**

36
37 **A court has no jurisdiction to determine its own jurisdiction**, for a basic
38 issue in any case before a tribunal is its power to act, and a court must have the
39 authority to decide that question in the first instance.”
40

- 1 • **Hurtado v. California**, 110 U.S. 516.

2
3 The State cannot diminish rights of the people.

- 4
5 • **Lewis vs. U.S.**, 680 F. 2d 1239, 1241

6
7 The district court dismissed, holding that the Federal Reserve Bank is not a federal
8 agency within the meaning of the Act and that the court therefore lacked subject
9 matter jurisdiction.

10
11 Examining the organization and function of the Federal Reserve Banks, and
12 applying the relevant factors, we conclude that the Reserve Banks are not federal
13 instrumentalities for purposes of the FTCA, but are independent, privately owned
14 and locally controlled corporations.

15
16 Each Federal Reserve Bank is a separate corporation owned by commercial banks
17 in its region.

18
19 The stockholding commercial banks elect two thirds of each Bank's nine member
20 board of directors. The remaining three directors are appointed by the Federal
21 Reserve Board. The Federal Reserve Board regulates the Reserve Banks, but direct
22 supervision and control of each Bank is exercised by its board of directors. 12
23 U.S.C. § 301.

24
25 The fact that the Federal Reserve Board regulates the Reserve Banks does not
26 make them federal agencies under the Act.

- 27
28 • **Earle v. McVeigh**, 91 US 503, 23 L Ed 398. See also Restatements,
29 Judgments ' 4(b). **Prather v Loyd**, 86 Idaho 45, 382 P2d 910.

30
31 A judgment may not be rendered in violation of constitutional protections. The
32 validity of a judgment may be affected by a failure to give the constitutionally
33 required due process.

- 34
35 • **Rose v. Himely** (1808) 4 Cranch 241, 2 L ed 608; **Pennoyer v. Neff** (1877)
36 95 US 714, 24 L ed 565; **Thompson v. Whitman** (1873) 18 Wall 457, 21 L
37 ED 897; **Windsor v. McVeigh** (1876) 93 US 274, 23 L ed 914; **McDonald**
38 **v. Mabee** (1917) 243 US 90, 37 Sct 343, 61 L ed 608.

1 **An order that exceeds the jurisdiction of the court is void**, and can be attacked
2 in any proceeding in any court where the validity of the judgment comes into issue.

- 3
- 4 • **Rankin v. Howard, (1980) 633 F.2d 844, cert. den. Zeller v. Rankin, 101**
5 **S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.**
- 6

7 When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid
8 statutes expressly depriving him of jurisdiction, judicial immunity is lost.

- 9
- 10 • **Boyd v. United States, 116 U.S. 616, 635**
- 11

12 **“It is the duty of the courts to be watchful for the Constitutional rights of**
13 **Americans** and against any stealthy encroachment thereon.

- 14
- 15 • **Cooper v. O’Conner, 99 F.2d 133**

16 **“There is a general rule that a ministerial officer who acts wrongfully, although in**
17 **good faith, is nevertheless liable in a civil action and cannot claim the immunity of**
18 **the sovereign.”**

- 19
- 20 • **Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401; 1958**
- 21

22 **“Any judge who does not comply with his oath to the Constitution of the United**
23 **States wars against that Constitution and engages in acts in violation of the**
24 **supreme law of the land. The judge is engaged in acts of treason.”**

- 25
- 26 • **Davis v. Burris, 51 Ariz. 220, 75 P.2d 689; 1938**
- 27

28 **“A judge must be acting within his jurisdiction as to subject matter and person, to**
29 **be entitled to immunity from civil action for his acts.”**

- 30
- 31 • **Piper v. Pearson, 2 Gray 120, cited in Bradley v. Fisher, 13 Wall. 335, 20**
32 **L.Ed. 646; 1872)**
- 33

34 **“Where there is no jurisdiction, there can be no discretion, for discretion is incident**
35 **to jurisdiction.”**

- 36
- 37 • **Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200**
- 38

1 “We (judges) have no more right to decline the exercise of jurisdiction which is
2 given, than to usurp that which is not given. The one or the other would be treason
3 to the Constitution.”
4

5 • **Trezevant v. City of Tampa**

6 Mr. Trezevant was jailed for twenty-three minutes for a traffic citation. Mr.
7 Trezevant sued and the jury returned a verdict of \$25,000 in favor of Mr.
8 Trezevant for being falsely imprisoned for twenty-three minutes - \$1,086.96 per
9 minute for each minute of liberty unlawfully stolen from Mr. Trezevant. (Att.
10 #60.1, #60.2, #60.3)

11 **XXXI) ATTACHMENTS**
12

- 13 Att. #1.1 - South Carolina Affidavit (Officer Jason Stone)
14
15 Att. #1.2 - The State of South Carolina – Statewide Bench Warrant
16 Disposed of 7/17/2015
17
18 Att. #2.1 - South Carolina Public Index (Case Disposition 7/17/15)
19
20 Att. #2.2 - I-UV.com August 31, 2017 post which shows South Carolina
21 disposition date 7/17/2015 for Randall-Keith:Beane indictment
22 2014GS2700554
23
24 Att. #3 - Eastern District of Tennessee Arrest Warrant – Randall
25 Keith Beane (Fictitious Signature – “A. Brush”)
26
27 Att. #4 - Eastern District of Tennessee Arrest Warrant – Heather
28 Ann Tucci:Jarraf (Fictitious Signature – “A. Brush”)
29
30 Att. #5 - 28 U.S. Code § 1331.Federal question (District court
31 Jurisdiction - civil actions)
32
33 Att. #6 - Federal Question Jurisdiction (Two ways for federal
34 court to gain subject matter jurisdiction)
35

1 Att. #7 - 28 U.S. Code § 1332.Diversity of citizenship; amount in
2 controversy; costs (District court original jurisdiction of
3 all civil actions)
4
5 Att. #8 - 28 U.S. Code § 132.Creation and composition of district
6 courts (District courts shall be a court of record)
7
8 Att. #9.1 - Black's Law Dictionary – Cover Page
9
10 Att. #9.2 - Court of Record Definition (Proceed according to course
11 of common law)
12
13 Att. #9.3 - Offense Definition (a crime not indictable) Black's Law
14
15 Att. #9.4 - Crime Definition (Violation of public right)
16
17 Att. #9.5 - Attorney and Attorney-at-Law Definition – Black's Law
18
19 Att. #9.6 - Lawyer Definition – Black's Law Dictionary
20
21 Att. #10 - 18a U.S. Code Rule 9.Arrest Warrant or Summons on an
22 Indictment or information (Indictment Warrant must be
23 signed by the clerk)
24
25 Att. #11 - 18 U.S. Code § 912.Officer or employee of the United
26 States (Pretend to be an officer acting under authority of
27 United States) – USAA Bank True Brown
28
29 Att. #12 - 18 U.S. Code § 2234.Authority exceeded in executing
30 warrant (Willfully exceeds authority – exercises it with
31 unnecessary severity)
32
33 Att. #13 - 18 U.S. Code § 2236.Searches without warrant
34
35 Att. #14 - 18 U.S. Code § 3041.Power of courts and magistrates
36 (Any offense against the US)
37
38 Att. #15 - 18 U.S. Code § 3052.Powers of Federal Bureau of
39 Investigation (Serve warrants issued under authority of US)
40
41 Att. #16.1 - FBI – What We Investigate
42

1 Att. #16.2 - FBI – White Collar Crime Defined (Business and
2 government professionals)
3

4 Att. #17 - 28 U.S. Code § 516. Conduct of litigation reserved
5 to Department of Justice (US, agency, officer is a party)
6

7 Att. #18 - 28 U.S. Code § 547. Duties—United States Attorney
8 (Against the US – all civil actions)
9

10 Att. #19 - 1 U.S. Code § 204. Codes and Supplements as **evidence**
11 **of the laws** of United States and District of Columbia;
12 citation of Codes and Supplements
13

14 Att. #20 - 1 U.S. Code § 112. Statutes at Large; contents;
15 admissibility in evidence (US statutes legal **evidence of laws**)
16

17 Att. #21 - 18 U.S. Code § 1001. Statements or entries generally
18 (Falsify, conceal material facts—make materially false,
19 fictitious or fraudulent statement or representation)
20

21 Att. #22 - 22 U.S. Code § 7102 - (1) Abuse or Threatened Abuse of
22 Law or Legal Process (Use of law for purpose not
23 intended – coercion defined)
24

25 Att. #23 - § 1-206. Presumptions (Facts exist unless evidence of
26 nonexistence)
27

28 Att. #24 - 18 U.S. Code § 3231. District courts (Offenses **against**
29 **laws** of US)
30

31 Att. #25 - Standing (Suffered an “injury in fact”)
32

33 Att. #26.1 - Judgment In A Criminal Case – Pg. 1 (7/25/18)
34

35 Att. #26.2 - P. 6 (Restitution of **\$510,589.02** to USAA Bank)
36

37 Att. #26.3 - P. 7 (Criminal monetary penalty immediate lump sum
38 payment of **\$511,289.02** PAYABLE to US District
39 Court, Knoxville, Tennessee
40

41 Att. #27 - Constitution Article III (Judicial Power)
42

1 Att. #28 - Constitution Article I, Section. 8. (Congress' 18 Tasks)
2
3 Att. #29.1 - Grand Jury Transcript (GJT) – P. 1 (cover page)
4
5 Att. #29.2 - GJT P. 7; L 18 **\$493,110.68** – motorhome cost)
6
7 Att. #29.3 - Grand Jury Transcript – P. 21; L 1-5 (Randall-
8 Keith:Beane Arrested by FBI on “outstanding warrant”)
9 Att. #29.4 - Grand Jury Transcript – P. 40; L 11-15 (Bona Fide
10 Purchaser)
11
12 Att. #29.5 - Grand Jury Transcript – P. 46; L 3-6 (USAA Investigator
13 True Brown relayed information)
14
15 Att. #30.1 - Trial Transcript – Vol. I, P. 1 (cover page)
16
17 Att. #30.2 - Trial Transcript – Vol. I, P. 50; L 23-24 (FBI Parker Still
18 - ‘Have No Reason to Doubt’ USAA)
19
20 Att. #30.3 - Trial Transcript – Vol. I, P. 62; L 12-14 (Tackle Walmart
21 customers); L 22 (Buddy Gregg RVs & Motor Homes
22 releases the keys to Randall-Keth:Beane)
23
24 Att. #30.4 - Trial Transcript – Vol. I, P. 69; L 8-16 (FBI Parker Still
25 did not present warrant to Mr. Beane – Arrest Warrant
26 copy in arrestee hand **TV Stuff**)
27
28 Att. #30.5 - Trial Transcript – Vol. I, P. 74; L 5-6, 12-13 (Randall-
29 Keith:Beane bleeding cut on head)
30
31 Att. #30.6 - Trial Transcript – Vol. I, P. 129; L 9-15 (Randall-
32 Keith:Beane actual social security account number)
33
34 Att. #31.1 - Trial Transcript – Vol. II, P. 1 (cover page)
35
36 Att. #31.2 - Trial Transcript – Vol. II, P. 25; L 14-16 (Funding
37 Account Number)
38

1 Att. #31.3 - Trial Transcript – Vol. II, P. 38; L 4-5, 11, 14
2 (32 CDs successfully opened -- **\$31,000,494.974** – theft
3 **from** Randall-Keith:Beane)
4
5 Att. #31.4 - Trial Transcript – Vol. II, P. 139; L 8, 18-23, 25 (Jaron
6 Patterson, Univ. of TN Police Dept. & FBI Cyber Task
7 Force Investigator – did he have copy of warrant to give
8 to Randall-Keith:Beane)
9
10 Att. #31.5 - Trial Transcript – Vol. II, P. 140; L 1-2, 7, 9 (FBI
11 confirmed South Carolina warrant)
12
13 Att. #31.6 - Trial Transcript – Vol. II, P. 141, L 2-3, 12-18, 23-25
14 (Jaron Patterson – South Carolina warrant)
15
16 Att. #31.7 - Trial Transcript – Vol. II, P. 142, L 8-12 (Jaron Patterson
17 doesn't know if South Carolina warrant truly existed)
18
19 Att. #31.8 - Trial Transcript – Vol. II, P. 191, L 17-20 (Randall-
20 Keith:Beane never brought motor coach home)
21
22 Att. #32.1 - Trial Transcript – Vol. III, P. 1 (cover page)
23
24 Att. #32.2 - Trial Transcript – Vol. III, P. 103; L 5-20 (Jerald Byrne
25 threatened with obstruction of justice charge)
26
27 Att. #32.3 - Trial Transcript – Vol. III, P. 17, L 7-13 (Extended
28 warranty – Jerald Byrne did not have impression
29 Randall-Keith:Beane would sell motorhome for profit.
30
31 Att. #33.1 - Trial Transcript – Vol. IV, P. 1 (cover page)
32
33 Att. #33.2 - Trial Transcript – Vol. IV, P. 18; L 12-13 (NY Federal
34 Reserve Bank Sean O'Malley says No Loss to US Gov.)
35
36 Att. #34.1 - Trial Transcript – Vol. V, P. 1 (cover page)
37

- 1 Att. #34.2 - Trial Transcript – Vol. V, P. 13; L 21-23 (FBI arrival)
2
3 Att. #34.3 - Trial Transcript – Vol. V, P. 14; L 5 (Not without a
4 warrant)
5
6 Att. #34.4 - Trial Transcript – Vol. V, P. 105; L 19-25 (Alex opens
7 motorhome door for FBI)
8
9 Att. #34.5 - Trial Transcript – Vol. V, P. 106; L 1-2, 3-4, 5-8 (Never
10 been to Colorado) (FBI Beat Randall-Keith:Beane) (FBI
11 foot on Randall-Keith:Beane’s head—I Can’t Breathe –
12 attempted strangulation)
13
14 Att. #34.6 - Trial Transcript – Vol. V, P. 108, L 19-25 (They wanted
15 to hurt Randall-Keith:Beane – injured him/put a bleeding
16 cut on the back of his head)
17
18 Att. #34.7 - Trial Transcript – Vol. V, P. 109; L 1-2 (Blood trickling
19 from back of head)
20
21 Att. #34.8 - Trial Transcript – Vol. V, P. 110, L 12-18 (FBI pulled
22 down Randall-Keith:Beane’s pants – bandaged his head
23 too tight)
24
25 Att. #34.9 - Trial Transcript – Vol. V, P. 111; L 17-25 (Randall-
26 Keith:Beane asked to see the warrant)
27
28 Att. #34.10 - Trial Transcript – Vol. V, P. 112; L 1-8 (FBI did not give
29 Randall-Keith:Beane any information)
30
31 Att. #35.1 - International Covenant on Civil and Political Rights
32 Treaty (ICCPR) – P. 1, Article 1, 6, 7, 8
33
34 Att. #35.2 - ICCPR Treaty P. 2, Article 6, 9
35
36 Att. #35.3 - ICCPR Treaty P. 3, Article 14
37
38 Att. #35.4 - ICCPR Treaty P. 4

1 Att. #36 - FDIC (Robberies and other thefts not insured by the
2 FDIC)
3
4 Att. #37 - Feloniously defined – must be introduced into every
5 indictment for a felony – Bouvier, P. 764
6 Att. #38 - 18 U.S. Code § 241. Conspiracy against rights
7
8 Att. #39 - 18 U.S. Code § 242. Deprivation of rights under color of law
9
10 Att. #40 - 18 U.S. Code § 1590. Trafficking with respect to peonage,
11 slavery, involuntary servitude, or forced labor
12
13 Att. #41 - DOJ 1033. KIDNAPPING—18 U.S.C. §§ 1201, 1202
14
15 Att. #42 - 18 U.S. Code § 1621. Perjury generally
16
17 Att. #43 - 18 U.S. Code § 2382. Misprision of treason
18
19 Att. #44 - 18 U.S. Code § 4. Misprision of felony
20
21 Att. #45 - 18 U.S. Code § 2381. Treason
22
23 Att. #46 - 18 U.S. Code § 371. Conspiracy to commit offense or to
24 defraud United States
25
26 Att. #47 - 25 CFR § 11.411 - Criminal trespass
27
28 Att. #48 - Tenn. Code Ann. § 39-13-101 – Assault
29
30 Att. #49 - Tenn. Code Ann. § 39-13-102 - Aggravated assault
31
32 Att. #50 - Tenn. Code Ann. § 39-14-405 - Criminal trespass
33
34 Att. #51 - Tenn. Code Ann. § 39-11-614 - Protection of property
35
36 Att. #52 - Tenn. Code Ann. § 40-6-103 - Probable cause and affidavit
37
38 Att. #53 - Tenn. Code Ann. § 40-6-104 - Examination of complainant
39
40 Att. #54 - Tenn. Code Ann. § 40-6-208 - Contents of warrant
41

1 Att. #55 - Tenn. Code Ann. § 40-6-216 - Copies of warrants
2
3 Att. #56 - Tenn. Code Ann. § 47-1-101 - Short title - Uniform
4 Commercial Code (UCC)
5 Att. #57 - Tenn. Code Ann. § 47-1-103 - Construction of chapters
6 1-9 to promote their purposes and policies —
7 Applicability of supplemental principles of law. (UCC)
8
9 Att. #58.1 - Report of Commission on Unalienable Rights – P. 1
10 (cover page)
11
12 Att. #58.2 - P. 13 (Right to travel—protection of person and
13 property—property is one’s labor, life, liberty, and
14 pursuit of happiness)
15
16 Att. #59.1 - The Law of Nations – P. 1 (cover page)
17
18 Att. #59.2 - P. 95 (Legislators derive their power from the
19 constitution)
20
21 Att. #60.1 - Trezevant v. City of Tampa – P. 1 (\$25,000 jury verdict
22 in favor of plaintiff – Trezevant)
23
24 Att. #60.2 - P.2 (Trezevant was in the holding cell for a total of
25 twenty-three minutes)
26
27 Att. #60.3 - P.5 (Jury verdict not excessive. Judgment affirmed.
28 Ruling has not been appealed.)
29
30 Att. #61.1 - Detention Hearing Request (Doc. 40) – P. 1 (cover page)
31
32 Att. #61.2 - P. 9, L 12-14 – Randall-Keith:Beane requests detention
33 hearing)
34
35 Att. #62.1 - True Brown (USAA Bank) Email Dated 7-11-2017 (4:07
36 pm) P. 1
37

1 Att. #62.2 - P. 2 (7/11/17—4:07 pm – email from True Brown to FBI
2 Parker Still – wants update on RV – says Randall-
3 Keith:Beane’s social security account number altered by
4 one digit – says federal reserve bank account number
5 same as your social security number – says USAA
6 financial crimes investigation took steps to remove
7 Randall-Keith:Beane’s loan and credit card payments)
8

9 Att. #63 - True Brown (USAA Bank) Email Dated 7-12-2017—
10 9:10 am – True Brown email to Parker Still asking what
11 charges Randall-Keith:Beane was arrested/detained on—
12 a request for update on the RV motorhome—if he
13 planned to charge Mr. Beane on complaint—USAA
14 executive management team is “really impressed” by the
15 quick arrest of Mr. Beane—and “makes me proud of the
16 organization.”
17

18 Att. #64.1 - DOJ Motion In Limine (To Prohibit Jurisdiction
19 Argument – Doc 78 – 1/5/18) P. 1
20

21 Att. #64.2 - Motion In Limine Memorandum Opinion and Order P. 1
22

23 Att. #64.3 - Memorandum Opinion and Order - Motion In Limine Granted - Doc
24 90 – P. 8 – 1/19/18 (Perpetrator and conspirator Thomas A. Varlan
25 ordered defendants prohibited from offering evidence/testimony re:
26 1) whether court has subject matter jurisdiction, 2) whether US
27 government is defaulted/foreclosed, and 3) whether the US has legal
28 authority to bring a prosecution of defendants)
29

30 Att. #65.1 - True Brown - USAA Petition of Third-Party Interest
31 (Doc. 246-1) P. 1 – Re: Motorhome Forfeiture
32

33 Att. #65.2 - True Brown - USAA Petition - P. 2 (Mr. Beane “used a
34 fictitious bank account number.”)
35

36 Att. #65.3 - True Brown - USAA Petition - P. 3 (True Brown
37 petition sworn under penalty of perjury)

- 1 Att. #66.1 - DOJ Motion for Entry of Preliminary Order of Forfeiture
2 (Doc. 223 – 7/24/18) - P. 1
3
- 4 Att. #66.2 - Doc. 223 - P. 2 (“...using a fictitious bank account
5 number (i.e., defendant’s Social Security Number”)
6 **FOOTNOTE - \$553,749.99** “different from restitution.”
7
- 8 Att. #66.3 - Doc. 223 - P. 3 (signature page)
9
- 10 Att. #67 - United States of America, Inc. Delaware Corporation
11
- 12 Att. #68 - The United States of America, Inc. Delaware Corporation
13
- 14 Att. #69 - Offence Definition – (“...it is not indictable.”) Bouvier’s
15 Law Dictionary
16
- 17 Att. #70 - Crime Definition – (The term offence...is...understood
18 to be a crime not indictable...) - Bouvier’s Law Dictionary
19
- 20 Att. #71.1 - Indictment – P. 1 of 8 (USAA and Whitney bank insured by FDIC)
21
- 22 Att. #71.2 - Indictment – P. 2 of 8 (fictitious bank account number/Heather-
23 Ann:Tucci:Jarraf “purported to be BEANE’S attorney...”)
24
- 25 Att. #71.3 - Indictment – P. 3 of 8 (fictitious account number / there
26 was no valid account number)
27
- 28 Att. #71.4 - Indictment – P. 4 of 8 (fictitious account number)
29
- 30 Att. #71.5 - Indictment – P. 5 of 8
31
- 32 Att. #71.6 - Indictment – P. 6 of 8 (commit certain offenses against
33 the United States)
34
- 35 Att. #71.7 - Indictment – P. 7 of 8 (upon conviction of any offense)
36
- 37 Att. #71.8 - Indictment – P. 8 of 8

1 Att. #72.1 - Laws of the United States of America (cover page)
2 (Title of Nobility)
3 Att. #72.2 - Laws of the United States of America - P. 74 (If any
4 citizen accepts a title of nobility (Esquire) from any
5 foreign power (Britain) shall be incapable of holding any
6 office of trust.)
7
8 Att. #73.1 - Tennessee Constitution Declaration of Rights – P. 2 - Section 1
9
10 Att. #73.2 - Tennessee Constitution Declaration of Rights – P. 3 -
11 Section 2, 7, 8, 9, 10
12
13 Att. #73.3 - Tennessee Constitution Declaration of Rights – P. 4 –
14 Section 15
15
16 Att. #74.1 - Dennis G. Terez - Counsel for Appellant Heather-Ann:
17 Tucci:Jarraf – Cover Page
18
19 Att. #74.2 - Dennis G. Terez - Counsel for Appellant Heather-Ann:
20 Tucci:Jarraf - Jurisdictional Statement
21
22 Att. #75.1 - Stephen L .Braga – Counsel for Appellant Randall Keith
23 Beane – Cover Page
24
25 Att. #75.2 - Stephen L .Braga – Counsel for Appellant Randall Keith
26 Beane – Statement of Jurisdiction
27
28 Att. #76 - FBI - What is Money Laundering?
29
30 Att. #77.1 - Preliminary Order of Forfeiture, Document 224 Filed
31 07/24/18, P. 1
32
33 Att. #77.2 - Preliminary Order of Forfeiture, Document 224 Filed 07/24/18, P. 2,
34 Paragraph 1(b) -- **A money judgment in favor of the United States**
35 **and against the defendant RANDALL KEITH BEANE, for**
36 **\$553,749.99**, which represents the minimum amount of proceeds
37 RANDALL KEITH BEANE personally obtained.

1 “2017 Entegra Cornerstone 45B; 45 foot diesel
2 motorhome; VIN 4VZVU1E94HC082752; topaz in
3 color with eight wheels” P. 2, Paragraph 1(a)
4

5 Att. #77.3 - “...this Preliminary Order of Forfeiture will become final as to the
6 money judgment in the amount of \$553,749.99 at the time of
7 sentencing, and **will be** made part of the sentence and **included in**
8 **the Judgment.**”

9 Att. #77.4 - Preliminary Order of Forfeiture submitted by J.
10 DOUGLAS OVERBEY, United States Attorney, Anne-
11 Marie Svolto and Cynthia F. Davidson - Assistant
12 United States Attorneys
13

14 Att. #78.1 - Sentencing Proceedings Before Thomas A. Varlan, July 24, 2018,
15 Doc. 240 – P. 1
16

17 Att. #78.2 - Sentencing Proceedings, P. 10, Line 12-18
18

19 Att. #79 - Public Law 97-280 - "Year of the Bible"
20

21 Att. #80.1 - Trial Transcript – Vol. VI, Cover Page
22

23 Att. #80.2 - P. 63 – Cynthia F. Davidson cites Black’s Law Dictionary
24

25 Att. #80.3 - P. 64 - Heather-Ann:Tucci:Jarraf under cross-examination re:
26 Black’s Law and “attorney” vs. “lawyer”
27

28 Att. #81.1 - The Essential Law Dictionary Cover Page
29

30 Att. #81.2 - “Attorney” and “Attorney-at-Law” Definition
31

32 Att. #81.3 - “Lawyer” Definition
33

34 Att, #82.1 - “Lawyer” Definition – Bouvier’s Law Dictionary
35

36 Att. #82.2 - “Attorney” and “Attorney-at-Law” Definition –Bouvier’s
37 Law Dictionary
38

39 Att. #83.1 - United States v. Throckmorton, 98 U.S. 61 (1878) P. 1
40

- 1 Att. #83.2 - "There is no question of the general doctrine that **fraud vitiates**
2 the most solemn contracts, documents, and **even judgments.**" P. 3
- 3 Att. #83.3 - "**Fraud vitiates every thing...**" P. 4
- 4 Att. #84.1 - Parkway RV Center – SOLD
- 5 Att. #84.2 - Parkway RV Center – VIN 4VZU1E94HC082752
6 Option A is \$379,000 which is haggle free/firm (no
7 Matter if you pay cash, finance and or trade)
8
- 9 Att. #85 - Praeterea preterea Definition – University of Notre Dame
10 Latin Dictionary (<http://archives.nd.edu/latin.htm>)
11
- 12 Att. #86 - Complaint Form Regarding United States Marshals Service
13
- 14 Att. #87 - DOJ How to Report A Complaint
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ARREST WARRANT

2014A2720200234

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

THE STATE

14-907

against

Randal Keith Beane

Address: 3283 Grays Hwy

Ridgeland, SC 29936-

Phone: [REDACTED] SS [REDACTED]

Sex: M Race: [REDACTED] Height: [REDACTED]

DL [REDACTED] ORI #: SC0270200

DOB [REDACTED] Police Department

Prosecuting Officer: Jason Stone - 0048

Offense: Resisting / Resisting Arrest; Oppose or resist law

enforcement officer serving process or making

Offense Code: 0326

Code/Ordinance Sec: 16-09-0320(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant RANDAL KEITH BEANEon 10/13/14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
265 Russell Street
Po Box 248
Ridgeland, SC 299360248

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

AFFIDAVIT

ORIGINAL

S.C. Attorney General
April 21, 2003
SCCA 518Personally appeared before me the affiant, Jason Stone

who

being duly sworn deposes and says that defendant Randal Keith Beanedid within this county and state on or about 10/13/2014

violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Ridgeland)

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process or making arrest

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on October 13, 2014 in the city/county of Jasper, Town of Ridgeland, one Randal Keith Beane did knowingly and willfully
oppose and/or resist the lawful arrest by a law enforcement officer, or the defendant did knowingly and willfully assault, beat and/or
wound a law enforcement officer while resisting arrest. Defendant was stopped by Ridgeland Police for a traffic violation. Defendant
refused to provide police with identification information and physically resisted police after being placed under arrest.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Ridgeland

Affiant's Address P.O. Box 1119Ridgeland, SC 29936-Affiant's Telephone (843)726-7530TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: [Signature]
DATE: 5-1-2020

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds

on or about 10/13/2014defendant Randal Keith Beane

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality ofRidgeland

) as set forth below:

DESCRIPTION OF OFFENSE: Resisting / Resisting Arrest; Oppose or resist law enforcement officer serving process

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time or
soon thereafter as is practicable
Sworn to and subscribed before me
on 10/13/2014Signature of Issuing Judge
Thomas L. Seagins

Judge Code: 6563

(L.S.)

Judge's Address One Town SquareRidgeland, SC 29936-1119Judge's Telephone (843)726-7500Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

Att. #1.1

THE STATE OF SOUTH CAROLINA
COUNTY OF JASPER

BENCH WARRANT
FAILURE TO APPEAR

THE STATE
VS.
Randal Keith Beane

2014GS2700554

2014A2720200234

Resisting / Resisting Arrest; Oppose or resist
law enforcement officer serving process or
making arrest

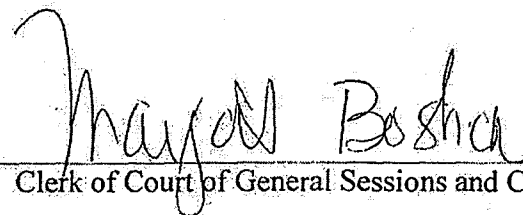
To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers of the said State Greeting:


WHEREAS, at the Term of Court of General Sessions County Court for the County aforesaid, it was among other things Ordained
that a Bench Warrant should be issued for the arrest of Randal Keith Beane

THESE ARE, THEREFORE, to command you and every one of you to make diligent search after the said above named and him
to take and safely keep until he be delivered to the keeper of the Common Jail of the County or discharged by due course of law. And
this shall be a good and sufficient warrant for you doing so, and for the keeper of said Jail receiving said above named from you and
keeping him safely until he be discharged by due course of law.

WITNESS, Margaret Bostick, Clerk of Court of General Sessions and Common Pleas for the County of Jasper,

April 17, 2015.


Clerk of Court of General Sessions and Common Pleas

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: 
DATE: 4/17/2015

Att. #1.2



Jasper County Fourteenth Judicial Circuit Public Index



[Jasper County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

The State of South Carolina VS Randal Keith Beane

Case Number:	2014A2720200234	Court Agency:	General Sessions	Filed Date:	10/14/2014
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Failure to Appear	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Failure to Appear				
Disposition Date:	07/17/2015	Date Received:	10/14/2014	Arrest Date:	10/13/2014
Law Ent. Case:	14-907	True Bill Date:	11/20/2014	No Bill Date:	
Prosecutor Case:		Indictment Number:	2014GS2700554	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the icon to show associated parties.

Att. #2.1



Rodger says :

August 31, 2017 at 2:35 pm

The State of South Carolina VS Randal Keith Beane

Case Number: 2014A2720200234

Court Agency: General Sessions

Filed Date: 10/14/2014

Case Type: Criminal-Clerk

Case Sub Type:

Status: Failure to Appear

Assigned Judge: Clerk Of Court C P, G S, And Family Court

Disposition Judge: Solicitor

Disposition: Failure to Appear

Disposition Date: 07/17/2015

Date Received: 10/14/2014

Arrest Date: 10/13/2014

Law Enf. Case: 14-907

True Bill Date: 11/20/2014

No Bill Date:

Prosecutor Case:

Indictment Number: 2014GS2700554

Waiver Date:

Probation Case:

FBI/STII

UNITED STATES DISTRICT COURT

RECEIVED BY: RLDATE: 7/20/17 TIME: 0830

SEALED

for the
Eastern District of Tennessee

A 11-13

U.S. MARSHAL E/TN
KNOXVILLE, TN

SEALED

United States of America

v.

RANDALL KEITH BEANE

Defendant

Case No. 3:17-CR-82

ARREST WARRANT

SEALED

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested): RANDALL KEITH BEANE

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

the defendant, did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, signals and sounds including funds he did not own, via wire, all in violation of Title 18, United States Code, Section 1343; devised a scheme to defraud financial institutions and to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of financial institutions by means of false and fraudulent pretenses, representations, and promises, in order to obtain money and property fraudulently, in violation of Title, 18, United States Code, Section 1344; did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to commit money laundering, in violation of Title 18, United States Code Sections 1956 and 1957

Date: 07/26/2017City and state: Knoxville, TN

Residing officer's signature

U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 7-20-17, and the person was arrested on (date) 7-27-17
 at (city and state) Knox Co TN

Date: 7-27-17

Arresting officer's signature

Att. #3

Printed name and title

FID# 16365588

1774-0720-2481-J

Case 3:17-cr-00082-TAV-CCS Document 16 Filed 07/31/17 Page 1 of 1 PageID #: 40

FBI/Still

UNITED STATES DISTRICT COURT

RECEIVED BY: LOWDATE: 7/20/17 TIME: 0830

SEALED

for the

Eastern District of Tennessee

U.S. MARSHAL E/TN
KNOXVILLE, TN

SEALED

United States of America
v.Case No. 3:17-CR- 82

HEATHER ANN TUCCI-JARRAF

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

Case No: 1:17-mj-531
Assigned To: Magistrate Judge Deborah A. Robinson
Date Assigned: 7/26/2017
Description: Arrest Warrant (Rule 40)

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) HEATHER ANN TUCCI-JARRAF
who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

the defendant, did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury to commit money laundering, in violation of Title 18, United States Code, Sections 1956 and 1957.

Date: 19
07/28/2017City and state: Knoxville, TN

Issuing officer's signature


U.S. Magistrate Judge


Printed name and title
Deputy Clerk

Return

This warrant was received on (date) 7-20-17 and the person was arrested on (date) 7-26-17
at (city and state) _____

Date: 7-26-17

Att. #4


Arresting officer's signature


Printed name and title
Matthew Sam's DUSM

FID#10365908

1774-0720-2495-J

28 U.S. Code § 1331. Federal question

U.S. Code Notes

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

(June 25, 1948, ch. 646, 62 Stat. 930; Pub. L. 85-554, § 1, July 25, 1958, 72 Stat. 415; Pub. L. 94-574, § 2, Oct. 21, 1976, 90 Stat. 2721; Pub. L. 96-486, § 2(a), Dec. 1, 1980, 94 Stat. 2369.)

Att. #5

Federal Question Jurisdiction

Overview

Federal question jurisdiction is one of the two ways for a federal court to gain subject-matter jurisdiction over a case (the other way is through diversity jurisdiction).

Generally, in order for federal question jurisdiction to exist, the cause of action must arise under federal law. More specifically, however, there are both constitutional and statutory requirements that must be met before jurisdiction can be found.

Interpreting "Arising Under" - Constitutional Requirement

Under Article III of the Constitution, federal courts can hear "all cases, in law and equity, arising under this Constitution, [and] the laws of the United States..." US Const, Art III, Sec 2. The Supreme Court has interpreted this clause broadly, finding that it allows federal courts to hear any case in which there is a federal ingredient. Osborn v. Bank of the United States, 9 Wheat. (22 U.S.) 738 (1824).

28 USC 1331 - The Statutory Component

For federal question jurisdiction to exist, the requirements of 28 USC 1331 must also be met. This statute gives federal courts jurisdiction only to those cases which "aris[e] under" federal law. 28 USC 1331. This requirement has been found to be narrower than the requirements of the constitution. The Supreme Court has found that a "suit arises under the law that creates the cause of action," American Well Works v. Layne, 241 US 257 (1916), and therefore, only suits based on federal law, not state law suits, are most likely to create federal question jurisdiction, Louisville & Nashville R. Co. v. Mottley, 211 U.S. 149 (1908).

Well-Pleaded Complaint Rule

Typically, in order to have federal question jurisdiction, the plaintiff's complaint must be a well-pleaded one. This means that the plaintiff's initial complaint must contain the references to the federal question and the federal issue evoked. The federal question and issue cannot arise in an anticipated defense, it must be presented from the initial complaint. This requirement was established in Louisville & Nashville R. Co. v. Mottley, and as such it is often referred to as the "Mottley Rule."

Grable Test

Another test that courts will often use to determine federal question jurisdiction is called the Grable Test, established in Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing. This is a two-part test

Att. #6

28 U.S. Code § 1332. Diversity of citizenship; amount in controversy; costs

U.S. Code	Notes
	(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

Att. #7

28 U.S. Code § 132. Creation and composition of district courts

U.S. Code	Notes
	<p>(a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district.</p> <p>(b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court.</p> <p>(c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.</p> <p>(June 25, 1948, ch. 646, <u>62 Stat. 895</u>; Pub. L. 88-176, § 2, Nov. 13, 1963, <u>77 Stat. 331</u>.)</p>

Att. #8

BLACK'S LAW DICTIONARY

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

By

HENRY CAMPBELL BLACK, M. A.

Author of Treatises on Judgments, Tax Titles, Intoxicating Liquors,
Bankruptcy, Mortgages, Constitutional Law, Interpretation
of Laws, Rescission and Cancellation of Contracts, Etc.

REVISED FOURTH EDITION

BY

THE PUBLISHER'S EDITORIAL STAFF

ST. PAUL, MINN.
WEST PUBLISHING CO.
1968

Att. #9.1

COURT

memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 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.

A "court of record" is 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, its acts and proceedings being enrolled for a perpetual memorial. 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.

Courts may be at the same time of record for some purposes and not of record for others. Lester v. Redmond, 6 Hill, N.Y., 590; Ex parte Gladhill, 8 Metc., Mass., 168.

Superior and inferior courts. The former being courts of general original jurisdiction in the first instance, and which exercise a control or supervision over a system of lower courts, either by appeal, error, or *certiorari*; the latter being courts of small or restricted jurisdiction, and subject to the review or correction of higher courts. Sometimes the former term is used to denote a particular group or system of courts of high powers, and all others are called "inferior courts."

To constitute a court a superior court as to any class of actions, within the common-law meaning of that term, its jurisdiction of such actions must be unconditional, so that the only thing requisite to enable the court to take cognizance of them is the acquisition of jurisdiction of the persons of the parties. Simons v. De Bare, 4 Bosw., N.Y., 547.

An inferior court is a court whose judgments or decrees can be reviewed, on appeal or writ of error, by a higher tribunal, whether that tribunal be the circuit or supreme court. Nugent v. State, 18 Ala. 521.

Civil and criminal courts. The former being such as are established for the adjudication of controversies between subject and subject, or the ascertainment, enforcement, and redress of private rights; the latter, such as are charged with the administration of the criminal laws, and the punishment of wrongs to the public.

Equity courts and law courts. The former being such as possess the jurisdiction of a chancellor, apply the rules and principles of chancery law, and follow the procedure in equity; the latter, such as have no equitable powers, but administer justice according to the rules and practice of the common law.

As to the division of courts according to their *jurisdiction*, see *Jurisdiction*.

As to several names or kinds of courts not specifically described in the titles immediately following, see Arches Court, Appellate, Circuit Courts, Consistory Courts, County, Customary Court-Baron, Ecclesiastical Courts, Federal Courts, Forest Courts, High Commission Court, Instance Court, Justice Court, Justiciary Court, Legislative Courts, Maritime Court, Mayor's Court,

Moot Court, Municipal Court, Orphans' Court, Police Court, Prerogative Court, Prize Court, Probate Court, Superior Courts, Supreme Court, and Surrogate's Court.

As to court-hand, court-house, court-lands, court rolls, courtyard, see those titles in their alphabetical order *infra*.

General

Court above, court below. In appellate practice, the "court above" is the one to which a cause is removed for review, whether by appeal, writ of error, or *certiorari*; while the "court below" is the one from which the case is removed. Going v. Schnell, 6 Ohio Dec. 933.

Court in bank. A meeting of all the judges of a court, usually for the purpose of hearing arguments on demurrers, points reserved, motions for new trial, etc.; as distinguished from sessions of the same court presided over by a single judge or justice.

Court of competent jurisdiction. One having power and authority of law at the time of acting to do the particular act. Ex parte Plaistrige, 68 Okl. 256, 173 P. 646, 647.

One having jurisdiction under the state Constitution and laws to determine the question in controversy. Texas Employers' Ins. Ass'n v. Nunamaker, Tex. Civ.App., 267 S.W. 749, 751. A court for the administration of justice as established by the Constitution or statute. Bradley v. Town of Bloomfield, 85 N.J.Law, 506, 89 A. 1009.

Court of limited jurisdiction. When a court of general jurisdiction proceeds under a special statute, it is a "court of limited jurisdiction" for the purpose of that proceeding, and its jurisdiction must affirmatively appear. Osage Oil & Refining Co. v. Interstate Pipe Co., 124 Okl. 7, 253 P. 66, 71.

De facto court. One established, organized, and exercising its judicial functions under authority of a statute apparently valid, though such statute may be in fact unconstitutional and may be afterwards so adjudged; or a court established and acting under the authority of a *de facto* government. 1 Bl. Judgm. § 173; In re Manning, 139 U.S. 504, 11 S.Ct. 624, 35 L.Ed. 264; Gildemeister v. Lindsay, 212 Mich. 299, 180 N.W. 633, 635.

Full court. A session of a court, which is attended by all the judges or justices composing it.

Spiritual courts. In English law. The ecclesiastical courts, or courts Christian. See 3 Bl. Comm. 61.

COURT-BARON. In English law. A court which, although not one of record, is incident to every manor, and cannot be severed therefrom. It was ordained for the maintenance of the services and duties stipulated for by lords of manors, and for the purpose of determining actions of a personal nature, where the debt or damage was under forty shillings. Wharton; 1 Poll. & Maitl. Hist. E. L. 580.

Customary court
tiresly to copyholder

ODIO

ODIO ET ATIA. See De Odio et Atia.

ODIOSA ET INHONESTA NON SUNT IN LEGE PRIESUMANDA. Odious and dishonest acts are not presumed in law. Co. Litt. 78; Jackson v. Miller, 6 Wend. (N. Y.) 228, 231, 21 Am.Dec. 316.

ODIOSA NON PRIESUMUNTUR. Odious things are not presumed. Burrows, Sett. Cas. 190.

ODIUM. Means hatred and dislike. In venue statute, it implies such a general ill feeling toward a party to an action as will render it uncertain whether the cause can be tried by impartial triers, free from an atmosphere impregnated with malice or corrupting prejudices. Brow v. Levy, 3 Ind.App. 464, 29 N.E. 417.

ODIOUS. Synonymous with infamous. Poison v. Polson, 140 Ind. 310, 39 N.E. 498.

ECONOMICUS. L. Lat. In old English law. The executor of a last will and testament. Cowell.

ECONOMUS. Lat. In the civil law. A manager or administrator. Calvin.

OEDEMA. A bogging down of the kidneys, heart and lungs because of heavy load of gas poison, entering through the lungs and infecting the tissues and organs of the whole system. Ogletree v. Jorles, 44 N.M. 567, 106 P.2d 302.

OF. A term denoting that from which anything proceeds; indicating origin, source, descent, and the like; as, he is of a race of kings; he is of noble blood. Stone v. Riggs, 43 Okl. 209, 142 P. 298, 299. Associated with or connected with, usually in some causal relation, efficient, material, formal, or final. Harlan v. Industrial Accident Commission, 194 Cal. 352, 228 P. 654, 657.

The word has been held equivalent to after, 10 L.J.Q.B. 10; at, or belonging to, Davis v. State, 38 Ohio St. 506; in possession of, Bell County v. Hines, Tex.Civ.App., 219 S.W. 556, 557; Stokes v. Great Southern Lumber Co., D.C.Miss., 21 F.2d 185, 186; manufactured by, 2 Bing. N.C. 668; by, Hannum v. Kingsley, 107 Mass. 355; residing at, Porter v. Miller, 3 Wend. (N.Y.) 329; 8 A. & E. 232; from, State v. Wong Fong, 75 Mont. 81, 241 P. 1072, 1074; in, Kellogg v. Ford, 70 Or. 213, 139 P. 751, 752.

OF COUNSEL. A phrase commonly applied in practice to the counsel employed by a party in a cause, and particularly to one employed to assist in the preparation or management of a cause, or its presentation on appeal, but who is not the principal attorney of record for the party.

OF COURSE. As a matter of right. Stoddard v. Treadwell, 29 Cal. 281; Jones v. McGonigle, 327 Mo. 457, 37 S.W.2d 892, 74 A.L.R. 550. Any action or step taken in the course of judicial proceedings which will be allowed by the court upon mere application, without any inquiry or contest, or which may be effectually taken without even applying to the court. Bank of St. 4 C.C.A. 979.

OF FORCE. In force; extant; not obsolete; existing as a binding or obligatory power.

OF GRACE. This phrase had its origin in an age when kings dispensed their royal favors at the hands of chancellors, but has no rightful place in American jurisprudence. Sullivan v. Jones & Laughlin Steel Co., 208 Pa. 540, 57 A. 1065, 66 L.R. A. 712. A term applied to any permission or license granted to a party in the course of a judicial proceeding which is not claimable as a matter of course or of right, but is allowed by the favor or indulgence of the court. See Walters v. McElroy, 151 Pa. 549, 25 A. 125.

OF NEW. A Scotch expression, closely translated from the Latin "*de novo*," (q. v.).

OF RECORD. Recorded; entered on the records; existing and remaining in or upon the appropriate records.

A mortgage to be "of record" must be recorded in the county in which it is properly and legally recordable for purpose of constructive notice. Riley v. Commonwealth, 275 Ky. 370, 121 S.W.2d 921.

Under statute providing that recognizances shall be "of record", the term means of record in the sense that it is taken by inferior tribunals that they have been taken and certified to the clerk of the court of record and by him recorded. King v. State, 18 Neb. 375, 25 N.W. 519.

OF RIGHT. As a matter of course. Atkins v. Garrett, D.C.La., 252 F. 280, 282. See "Of Course."

OF THE BLOOD. A technical legal phrase meaning to be descended from the person referred to or from the same common stock and from a common ancestor. In re Easter's Estate, 24 Cal.2d 191, 148 P.2d 601.

OFFA EXECRATA. In old English law. The morsel of execration; the corsned, (q. v.). 1 Reeve, Eng. Law, 21.

OFFENDER. Commonly used in statutes to indicate person implicated in the commission of a crime and includes person guilty of a misdemeanor. State ex rel. Smith v. Jameson, 70 S.D. 503, 19 N.W.2d 505, 508.

OFFENSE. A crime or misdemeanor; a breach of the criminal laws. People v. Brenta, 64 Cal. App. 91, 220 P. 447; State v. Hirsch, 91 Vt. 330, 100 A. 877, 879; Ex parte Brady, 116 Ohio St. 512, 157 N.E. 69, 70. State v. Johnson, 212 N.C. 566, 194 S.E. 319, 322.

It is used as a *genus*, comprehending every crime and misdemeanor, or as a *species*, signifying a crime not indictable, but punishable summarily or by the forfeiture of a penalty. In re Terry, C.C.Cal., 37 F. 649.

The word "offense," while sometimes used in various senses, generally implies a crime or a misdemeanor infringing public as distinguished from mere private rights, and punishable under the criminal laws, though it may also include the violation of a criminal statute for which the remedy is merely a civil suit to recover the penalty. Commonwealth v. Brown, 264 Pa. 85, 107 A. 676, 678.

Under a statute, declaring that one guilty of an offense or fault causing another damage is obliged to repair it, "offense or fault" has the same meaning as "tort". Panama R. Co. v. Rock, C.C.A. Canal Zone, 272 F. 649, 651; and.

"Crime" and "misdemeanor," properly speaking, are synonymous terms; though in common usage "crime" is made to denote such offenses as are of a deeper and more atrocious dye. 4 Bl.Comm. 5; *People v. Schiaffino*, 73. Cal.App. 357, 238 P. 725; *Guelling v. State*, 199 Ind. 630, 158 N.E. 593, 594; *McIntyre v. Commonwealth*, 154 Ky. 149, 156 S. W. 1058, 1059; *Commonwealth v. Smith*, 266 Pa. 511, 109 A. 786, 788, 9 A.L.R. 922; *Ex parte Brady*, 116 Ohio St. 512, 157 N.E. 69, 70; An act committed or omitted in violation of a public law. *City of Mobile v. McCown Oil Co.*, 226 Ala. 688, 148 So. 402, 405. Crimes are those wrongs which the government notices as injurious to the public, and punishes in what is called a "criminal proceeding," in its own name. 1 Bish.Crim.Law, § 43; *In re Jacoby*, 74 Ohio App. 147, 57 N.E.2d 932, 934, 935. A crime may be defined to be any act • done in violation of those duties which an individual owes to the community, and for the breach of which the law has provided that the offender shall make satisfaction to the public. Bell. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments: (1) Death; (2) imprisonment; (3) fine; (4) removal from office; or (5) disqualification to hold and enjoy any office of honor, trust, or profit in this state. Pen.Code Cal. § 15. "Crime" is strictly a violation of law either human or divine; in present usage the term is commonly applied to grave offenses against the laws of the state. *Van Riper v. Constitutional Government League*, 1 Wash.2d 635, 96 P.2d 588, 591, 125 A.L.R. 1100. A crime or misdemeanor shall consist in a violation of a public law, in the commission of which there shall be a union or joint operation of act and intention, or criminal negligence. Code Ga. 1882, § 4292, Pen.Code 1910, § 31.

Synonyms

According to Blackstone, the word "crime" denotes such offenses as are of a deeper and more atrocious dye, while smaller faults and omissions of less consequence are called "misdemeanors." But the better use appears to be to make *crime* a term of broad and general import, including both felonies and misdemeanors, and hence covering all infractions of the criminal law. In this sense it is not a technical phrase, strictly speaking, (as "felony" and "misdemeanor" are,) but a convenient general term. In this sense, also, "offense" or "public offense" should be used as synonymous with it.

The distinction between a crime and a tort or civil injury is that the former is a breach and violation of the public right and of duties due to the whole community considered as such, and in its social and aggregate capacity; whereas the latter is an infringement or privation of the civil rights of individuals merely. Brown.

A crime, as opposed to a civil injury, is the violation of a right, considered in reference to the evil tendency of such violation, as regards the community at large. 4 Steph.Comm. 4.

Varieties of Crimes

Capital crime. See Capital, *adj.*

Common law crimes

Such crimes as are punishable by the force of the common law, as distinguished from crimes created by statute. *Wilkins v. U. S.*, C.C.A.Pa., 96 F. 837, 37 C.C.A. 588; *In re Greene*, C.C.Ohio, 52 F. 111. These decisions (and many others) hold that there are no common-law crimes against the United States.

Constructive crime

See Constructive Crime.

Continuous crime

One consisting of a continuous series of acts, which endures after the period of consummation, as, the offense of carrying concealed weapons. In the case of instantaneous crimes, the statute of limitations begins to run with the consummation, while in the case of continuous crimes it only begins with the cessation of the criminal conduct or act. *U. S. v. Owen*, D.C.Or., 32 F. 537.

Crime against nature

The offense of buggery or sodomy. *State v. Vicknair*, 52 La. Ann. 1921, 28 So. 273; *Ausman v. Veal*, 10 Ind. 355, 71 Am. Dec. 331. The strict common-law meaning has been greatly enlarged by statute. *Borden v. State*, 3G Okl. Cr. 69, 252 P. 446, 447; *State v. Murry*, 136 La. 253, 66 So. 963, 964; *State v. Long*, 133 La. 580, 63 So. 180; *Frazier v. Grob*, 194 Mo. App. 405, 183 S.W. 1083, 1084; *State v. Griffin*, 175 N.C. 767, 94 S.E. 678, 679. See Bestiality; Sodomy.

At common law the term "crime against nature" embraced both sodomy and "bestiality", defined as a connection between a human being and a brute of the opposite sex. *State v. Poole*, 59 Ariz. 44, 122 P.2d 415, 416. Within the statute it is the perverted act of uniting the mouth of one participant with the sexual organ of the other, with a view of gratifying the sexual desire, and a mere kiss or lick of the private organ, even though lewdly done, is not a "copulation" within the statute. *People v. Angier*, 44 Cal. App. 2d 417, 112 P.2d 659, 660.

Crime against the other (husband or wife)

As used in 22 Okl. St. Ann. 702, providing that neither husband nor wife shall be a witness against the other except in a prosecution for a "crime committed against the other," the phrase denotes a public offense by husband or wife that is a direct violation of the rights of the other. *Hunter v. State*, 10 Okl. Cr. 119, 134 P. 1134, 1136, L.R.A. 1915A, 564. It does not make the wife a competent witness in a prosecution against the husband for incest. *Lacey v. State*, 27 Okl. Cr. 42, 224 P. 994, 995.

Murder by wife of husband's child, *O'Loughlin v. People*, 90 Colo. 368, 10 P.2d 543, 546. Rape against stepdaughter. *State v. Goff*, 64 S.D. 80, 264 N.W. 665, 666.

Crimes mala in se

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Att. #9.4

ATTORNARE

ATTORNARE REM. To turn over money or goods, i. e., to assign or appropriate them to some particular use or service.

ATTORNATO FACIENDO VEL RECIPIENDO. An obsolete writ, which commanded a sheriff or steward of a county court or hundred court to receive and admit an attorney to appear for the person that owed suit of court. Fitz.N.B. 156, 349.

ATTORNATUS. One who is attorney, or put in the place of another; a substitute; hence, an attorney. 7 C.J.S. p. 694.

ATTORNATUS FERE IN OMNIBUS PERSONAM DOMINI REPRESENTAT. An attorney represents the person of his master in almost all respects. Adams Gloss., citing Bract. fol. 342.

ATTORNE. L. Fr. In old English law. An attorney. Britt. c. 126.

ATTORNEY. In the most general sense this term denotes an agent or substitute, or one who is appointed and authorized to act in the place or stead of another. Nardi v. Poinsett, D.C.Ind., 46 F.2d 347, 348. An agent, or one acting on behalf of another. Sherts v. Fulton Nat. Bank of Lancaster, 342 Pa. 337, 21 A.2d 18.

One who is put in place, stead, and turn of another to manage his matters of law. Kaufman v. Jurczak, 102 N.J.Eq. 66, 139 A. 716. An agent employed by party to case to manage it for him. McLyman v. Miller, 52 R.I. 374, 161 A. 111, 112.

When used with reference to the proceedings of courts, or the transaction of business in the courts, the term always means "attorney at law" (q. v.) unless a contrary meaning is clearly indicated. In re Merse, 98 Vt. 85, 126 A. 550, 551, 36 A.L.R. 527.

"Lawyer" and "attorney" are synonymous. People v. Taylor, 56 Colo. 441, 138 P. 762, 763.

—Attorney ad hoc. See Ad Hoc.

—Attorney at large. In old practice. An attorney who practiced in all the courts. Cowell.

—Attorney at law. An advocate, counsel, or official agent employed in preparing, managing, and trying cases in the courts. An officer in a court of justice, who is employed by a party in a cause to manage it for him. In re Bergeron, 220 Mass. 472, 107 N.E. 1007, 1008, Ann.Cas.1917A, 549.

In English law. A public officer belonging to the superior courts of common law at Westminster, who conducted legal proceedings on behalf of others, called his clients, by whom he was retained; he answered to the solicitor in the courts of chancery, and the proctor of the admiralty, ecclesiastical, Probate, and divorce courts. An attorney was almost invariably also a solicitor. It is now provided by the judicature act, 1873, § 87, that solicitors, attorneys, or proctors of, or by law empowered to practice in, any court the jurisdiction of which is by that act transferred to the high court of justice or the court of appeal, shall be called "solicitors of the supreme court." Wharton.

The term "attorney at law," as used in the United States, usually includes "barrister," "counsellor," and "solicitor," in the sense in which those terms are used in England. In some states, as well as in the United States supreme court, "attorney" and "counsellor" are distinguishable, the former term being applied to the younger members of the bar, and to those who carry on the prac-

tice and formal parts of the suit, while "counsellor" is the adviser, or special counsel retained to try the cause. Rap. & L.

—Attorney in fact. A private attorney authorized by another to act in his place and stead, either for some particular purpose, as to do a particular act, or for the transaction of business in general, not of a legal character. This authority is conferred by an instrument in writing, called a "letter of attorney," or more commonly a "power of attorney." Treat v. Tolman, C.C.A.N.Y., 113 F. 893, 51 C.C.A. 522; Massachusetts Bonding & Insurance Co. v. Bankers' Surety Co., 96 Ind.App. 250, 179 N.E. 329, 334.

This term is employed to designate persons who act under a special agency, or a special letter of attorney, so that they are appointed *in factum*, for the deed, or special act to be performed; but in a more extended sense it includes all other agents employed in any business, or to do any act or acts *in pais* for another. Bacon, Abr. *Attorney*; Story, Ag. § 25.

—Attorney of record. Attorney whose name must appear somewhere in permanent records or files of case, or on the pleadings or some instrument filed in the case, or on appearance docket. Delaney v. Husband, 64 N.J.L. 275, 45 A. 265. Person whom the client has named as his agent upon whom service of papers may be made. Reynolds v. Reynolds, 21 Cal.2d 580, 134 P.2d 251, 254.

—Attorney of the wards and liveries. In English law. This was the third officer of the duchy court. Bac.Abr. "Attorney."

—Attorney's certificate. In English practice, a certificate of the commissioners of stamps that the attorney therein named has paid the annual tax or duty. This must be renewed yearly; and the penalty for practising without such certificate is fifty pounds; Stat. 37 Geo. III. c. 90, §§ 26, 28, 30. See also 7 & 8 Vict. c. 73, §§ 21-26; 16 & 17 Vict. c. 63.

—Attorney's lien. See Attorney's Lien.

—Letter of attorney. A power of attorney; a written instrument by which one person constitutes another his true and lawful attorney, in order that the latter may do for the former, and in his place and stead, some lawful act. People v. Smith, 112 Mich. 192, 70 N.W. 466, 67 Am.St.Rep. 392. An instrument of writing, appointing an attorney in fact for an avowed purpose and setting forth his powers and duties. Mullins v. Commonwealth, 179 Ky. 71, 200 S.W. 9, 11. It is, in effect, a mere contract of agency. Filtsch v. Bishop, 118 Okl. 272, 247 P. 1110, 1111. A *general* power authorizes the agent to act generally in behalf of the principal. A *special* power is one limited to particular acts.

—Power of attorney. Commonly meant the instrument by which authority of one person to act in place and stead of another as attorney in fact is set forth. In re Katz' Estate, 274 N.Y.S. 202, 152 Misc. 757.

—Public attorney. A name sometimes given to an attorney at law, as distinguished from a *private* attorney, or attorn-

tors and administrators. *Conley v. Jamison*, 205 Iowa 1326, 219 N.W. 485, 486, 59 A.L.R. 835.

LAWING OF DOGS. The cutting several claws of the forefeet of dogs in the forest, to prevent their running at deer. *Expeditation (q. v.)*.

LAWLESS. Not subject to law; not controlled by law; not authorized by law; not observing the rules and forms of law. See *Arkansas v. Kansas & T. Coal Co.*, C.C.Ark., 96 F. 362.

LAWLESS COURT. An ancient local English court, said to have been held in Essex once a year, at cock-crowing, without a light or pen and ink, and conducted in a whisper. *Jacob*.

LAWLESS MAN. An outlaw.

LAWNDE, LOWNDE. In old English law. A plain between woods. *Co. Litt.* 5b.

LAWS. Rules promulgated by government as a means to an ordered society. *Miami Laundry Co. v. Florida Dry Cleaning & Laundry Board*, 134 Fla. 1, 183 So. 759, 764, 119 A.L.R. 956. Session laws or statutes and not decisions of court. *State ex rel. Helena Allied Printing Council v. Mitchell*, Mont., 105 Mont. 326, 74 P.2d 417, 425. See, also, *Law*.

LAWS OF ANOTHER STATE. Statutory laws and laws established by judicial decisions. *Holderness v. Hamilton Fire Ins. Co. of New York*, D.C.Fla., 54 F.Supp. 145, 146.

LAWS OF THE SEVERAL STATES. As used in conformity act, means local statutes and decisions construing them, not decisions relating to matters of general jurisprudence. *Ford v. Grocers' Mut. Ins. Co.*, D.C.Pa., 4 F.Supp. 911, 913. As used in statute requiring federal courts to apply laws of the several states, includes not only state statutory law, but also state decisions on questions of general law. *Erie R. Co. v. Tompkins*, N.Y., 304 U.S. 64, 58 S.Ct. 817, 822, 82 L.Ed. 1188, 114 A.L.R. 1487.

LAWS OF OLERON. See *Oleron*, *Laws of*.

LAWS OF WAR. See *War*.

LAWS OF WISBY. See *Wisby*, *Laws of*.

LAWSUIT. A vernacular term for a suit, action, or cause instituted or depending between two private persons in the courts of law. A suit at law or in equity; an action or proceeding in a civil court; a process in law instituted by one party to compel another to do him justice. *Shepherd v. Standard Motor Co.*, 263 Ky. 329, 92 S.W.2d 337.

LAWYER. A person learned in the law; as an attorney, counsel, or solicitor; a person licensed to practice law.

Any person who, for fee or reward, prosecutes or defends causes in courts of record or other judicial tribunals of the United States, or of any of the states, for whose business it is to give legal advice in relation to any cause or matter whatever. Act of July 13, 1866, § 9, (14 St. at Large, 121.)

LAY, n. A share of the profits of a fishing or whaling voyage, allotted to the officers and sea-

men, in the nature of wages. *Coffin v. Jenkins*, 5 Fed.Cas. 1190; *Thomas v. Osborn*, 19 How. 33, 15 L.Ed. 534.

LAY, adj. Relating to persons or things not clerical or ecclesiastical; a person not in ecclesiastical orders. Also non-professional.

LAY, v. To state or allege in pleading.

LAY CORPORATION. See *Corporation*.

LAY DAMAGES. To state at the conclusion of the declaration the amount of damages which the plaintiff claims.

LAY DAYS. In the law of shipping. Days allowed to charter-parties for loading and unloading the cargo. 3 Kent, Comm. 202, 203.

LAY FEE. A fee held by ordinary feudal tenure, as distinguished from the ecclesiastical tenure of *frankalmoign*, by which an ecclesiastical corporation held of the donor. The tenure of *frankalmoign* is reserved by St. 12 Car. II., which abolished military tenures. 2 Bl.Comm. 101.

LAY IMPROPRIATOR. In English ecclesiastical law. A lay person holding a *spiritual* appropriation. 3 Steph.Comm. 72.

LAY INVESTITURE. In ecclesiastical law. The ceremony of putting a bishop in possession of the temporalities of his diocese.

LAY JUDGE. A judge who is not learned in the law, i. e., not a lawyer; formerly employed in some of the states as assessors or assistants to the presiding judges in the nisi prius courts or courts of first instance.

LAY OUT. This term has come to be used technically in highway laws as embracing all the series of acts necessary to the complete establishment of a highway. *Graham County v. Dowell*, 50 Ariz. 221, 71 P.2d 1019, 1020; *Hitchcock v. Aldermen of Springfield*, 121 Mass. 382; *Mansur v. County Com'rs*, 83 Me. 514, 22 A. 358. See *Borrowdale v. Board of County Com'rs of Socorro County*, 23 N.M. 1, 163 P. 721, 723, L.R.A.1917E, 456; *Patterson v. City of Baltimore*, 130 Md. 645, 101 A. 589, 591.

LAY PEOPLE. Jurymen.

LAY SYSTEM. As applied to fishing vessels, the fish caught are sold at auction and from the proceeds is deducted charges for supplies furnished and balance distributed to the master and the crew. *The Dirigo First*, D.C.Mass., 60 F.Supp. 675.

LAYE. L. Fr. Law.

LAYING THE VENUE. Stating in the margin of a declaration the county in which the plaintiff proposes that the trial of the action shall take place.

LAYMAN. One of the people, and not one of the clergy; one who is not of the legal profession; one who is not of a particular profession.

LAYOFF. A termin will of employer. In

18a U.S. Code Rule 9. Arrest Warrant or Summons on an Indictment or Information

U.S. Code Notes

(a) **ISSUANCE.**

The court must issue a warrant—or at the government's request, a summons—for each defendant named in an indictment or named in an information if one or more affidavits accompanying the information establish probable cause to believe that an offense has been committed and that the defendant committed it. The court may issue more than one warrant or summons for the same defendant. If a defendant fails to appear in response to a summons, the court may, and upon request of an attorney for the government must, issue a warrant. The court must issue the arrest warrant to an officer authorized to execute it or the summons to a person authorized to serve it.

(b) **FORM.**

(1) **Warrant.** The warrant must conform to Rule 4(b)(1) except that it must be signed by the clerk and must describe the offense charged in the indictment or information.

(2) **Summons.** The summons must be in the same form as a warrant except that it must require the defendant to appear before the court at a stated time and place.

(c) **EXECUTION OR SERVICE; RETURN; INITIAL APPEARANCE.**

(1) *Execution or Service.*

(A) The warrant must be executed or the summons served as provided in Rule 4(c)(1), (2), and (3).

(B) The officer executing the warrant must proceed in accordance with Rule 5(a)(1).

(2) **Return.** A warrant or summons must be returned in accordance with Rule 4(c)(4).

(3) **Initial Appearance.** When an arrested or summoned defendant first appears before the court, the judge must proceed under Rule 5.

(d) **WARRANT BY TELEPHONE OR OTHER MEANS.**

In accordance with Rule 4.1, a magistrate judge summons based on information communicated by electronic means.

Att. #10

18 U.S. Code § 912. Officer or employee of the United States

U.S. Code Notes

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 742; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

Att. #11

18 U.S. Code § 2234. Authority exceeded in executing warrant

U.S. Code	Notes
<u>18 U.S. Code § 2234</u>	Whoever, in executing a search warrant, willfully exceeds his authority or exercises it with unnecessary severity, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 803; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, 110 Stat. 3498; Pub. L. 107-273, div. B, title III, § 3002(a)(3), Nov. 2, 2002, 116 Stat. 1805.)

Att. #12

18 U.S. Code § 2236. Searches without warrant

U.S. Code	Notes
	<p>Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, <u>searches any private dwelling</u> used and occupied as such dwelling <u>without a warrant directing such search</u>, or <u>maliciously</u> and without reasonable cause searches any other building or property <u>without a search warrant</u>, shall be fined under this title for a first offense; and, for a subsequent offense, shall be fined under this title or imprisoned not more than one year, or both.</p> <p>This section shall not apply to any person—</p> <ul style="list-style-type: none">(a) serving a warrant of arrest; or(b) arresting or attempting to arrest a person committing or attempting to commit an offense in his presence, or who has committed or is suspected on reasonable grounds of having committed a felony; or(c) making a search at the request or invitation or with the consent of the occupant of the premises. <p>(June 25, 1948, ch. 645, <u>62 Stat. 803</u>; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, <u>110 Stat. 3498</u>; Pub. L. 107-273, div. B, title IV, § 4002(d)(1)(C)(iii), Nov. 2, 2002, <u>116 Stat. 1809</u>.)</p>

Att. #13

18 U.S. Code § 3041. Power of courts and magistrates

U.S. Code Notes

For any offense against the United States, the offender may, by any justice or judge of the United States, or by any United States magistrate judge, or by any chancellor, judge of a supreme or superior court, chief or first judge of the common pleas, mayor of a city, justice of the peace, or other magistrate, of any state where the offender may be found, and at the expense of the United States, be arrested and imprisoned or released as provided in chapter 207 of this title, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the office of the clerk of such court, together with the recognizances of the witnesses for their appearances to testify in the case.

A United States judge or magistrate judge shall proceed under this section according to rules promulgated by the Supreme Court of the United States. Any state judge or magistrate acting hereunder may proceed according to the usual mode of procedure of his state but his acts and orders shall have no effect beyond determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial or to discharge him from arrest.

(June 25, 1948, ch. 645, 62 Stat. 815; Pub. L. 89-465, § 5(a), June 22, 1966, 80 Stat. 217; Pub. L. 90-578, title III, § 301(a)(1), (3), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 98-473, title II, § 204(a), Oct. 12, 1984, 98 Stat. 1985; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

Att. #14

18 U.S. Code § 3052. Powers of Federal Bureau of Investigation

U.S. Code Notes

The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(June 25, 1948, ch. 645, 62 Stat. 817; Jan. 10, 1951, ch. 1221, § 1, 64 Stat. 1239.)

Att. #15



Most Wanted

Ten Most Wanted
 Fugitives
 Terrorism
 Kidnappings/Missing Persons
 Seeking Information
 Bank Robbers
 ECAP
 VICAP

News

Stories
 Videos
 Press Releases
 Speeches
 Testimony
 Podcasts and Radio
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Terrorism
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 Civil Rights
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 White-Collar Crime
 Violent Crime
 WMD

Services

CJIS
 CIRG
 Laboratory Services
 Training Academy
 Operational Technology
 Information Management

About

Mission & Priorities

Reportedly coined in 1939, the term white-collar crime is now synonymous with the full range of frauds committed by business and government professionals. These crimes are characterized by deceit, concealment, or violation of trust and are not dependent on the application or threat of physical force or violence. The motivation behind these crimes is financial—to obtain or avoid losing money, property, or services or to secure a personal or business advantage.

These are not victimless crimes. A single scam can destroy a company, devastate families by wiping out their life savings, or cost investors billions of dollars (or even all three). Today's fraud schemes are more sophisticated than ever, and the FBI is dedicated to using its skills to track down the culprits and stop scams before they start.

The FBI's white-collar crime work integrates the analysis of intelligence with its investigations of criminal activities such as public corruption, money laundering, corporate fraud, securities and commodities fraud, mortgage fraud, financial institution fraud, bank fraud and embezzlement, fraud against the government, election law violations, mass marketing fraud, and health care fraud. The FBI generally focuses on complex investigations—often with a nexus to organized crime activities—that are international, national, or regional in scope and where the FBI can bring to bear unique expertise or capabilities that increase the likelihood of successful investigations.

FBI special agents work closely with partner law enforcement and regulatory agencies such as the Securities and Exchange Commission, the Internal Revenue Service, the U.S. Postal Inspection Service, the Commodity Futures Trading Commission, and the Treasury Department's Financial Crimes Enforcement Network, among others, targeting sophisticated, multi-layered fraud cases that harm the economy.

Major Threats & Programs

Corporate Fraud

Corporate fraud continues to be one of the FBI's highest criminal priorities—in addition to causing significant financial losses to investors, corporate fraud has the potential to immeasurable damage to the U.S. economy and investor confidence. As the lead agency investigating corporate fraud, the Bureau focuses its efforts on cases that involve a schemes, self-dealing by corporate executives, and obstruction of justice.

Att. #16.2

28 U.S. Code § 516. Conduct of litigation reserved to Department of Justice

U.S. Code	Notes
	<p>Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.</p> <p>(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)</p>

Att. #17

28 U.S. Code § 547. Duties

U.S. Code Notes

Except as otherwise provided by law, each United States attorney, within his district, shall—

- (1) prosecute for all offenses against the United States;
 - (2) prosecute or defend, for the Government, all civil actions suits or proceedings in which the United States is concerned;
 - (3) appear in behalf of the defendants in all civil actions suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury;
 - (4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and
 - (5) make such reports as the Attorney General may direct.
- (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618.)

Att. #18

1 U.S. Code § 204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

U.S. Code Notes

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) UNITED STATES CODE.—

The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(b) DISTRICT OF COLUMBIA CODE.—

The matter set forth in the edition of the Code of the District of Columbia current at any time shall, together with the then current supplement, if any, establish prima facie the laws, general and permanent in their nature, relating to or in force in the District of Columbia on the day preceding the commencement of the session following the last session the legislation of which is included, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature.

(c) DISTRICT OF COLUMBIA CODE; CITATION.—

The Code of the District of Columbia may be cited as "D.C. Code".

(d) SUPPLEMENTS TO CODES; CITATION.—

Supplements to the Code of Laws of the United States and to the Code of the District of Columbia may be cited, respectively, as "U.S.C., Sup. ", and "D.C. Code, Sup. ", the blank in each case being filled with Roman figures denoting the number of the supplement.

(e) NEW EDITION OF CODES; CITATION.—

New editions of each of such codes may be cited as "U.S.C., ed.", and "D.C. Code, ed.", the blank in each case being filled with Roman figures denoting the last year the legislation of which is included.

Att. #19

1 U.S. Code § 112. Statutes at Large; contents; admissibility in evidence

U.S. Code Notes

The Archivist of the United States shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all proclamations by the President in the numbered series issued since the date of the adjournment of the regular session of Congress next preceding; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Archivist of the United States issued in compliance with the provision contained in section 106b of this title. In the event of an extra session of Congress, the Archivist of the United States shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(July 30, 1947, ch. 388, 61 Stat. 636; Sept. 23, 1950, ch. 1001, § 1, 64 Stat. 979; Oct. 31, 1951, ch. 655, § 3, 65 Stat. 710; Pub. L. 98-497, title I, § 107(d), Oct. 19, 1984, 98 Stat. 2291.)

Att. #20

18 U.S. Code § 1001. Statements or entries generally

U.S. Code	Notes
	<p>(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—</p> <p>(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;</p> <p>(2) makes any materially false, fictitious, or fraudulent statement or representation; or</p> <p>(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;</p> <p>shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in <u>section 2331</u>), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.</p> <p>(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.</p> <p>(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—</p> <p>(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or</p> <p>(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.</p>

Att. #21

22 U.S. Code § 7102 - Definitions

U.S. Code Notes

In this chapter:

(1) ABUSE OR THREATENED ABUSE OF LAW OR LEGAL PROCESS

The term "abuse or threatened abuse of the legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES

The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(3) COERCION The term "coercion" means—

- (A)** threats of serious harm to or physical restraint against any person;
- (B)** any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C)** the abuse or threatened abuse of the legal process.

Att. #22

§ 1-206. Presumptions.

Whenever the Uniform Commercial Code creates a "presumption" with respect to a fact, or provides that a fact is "presumed," the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.

< § 1-205. Reasonable time; Seasonableness. up **PART 3. TERRITORIAL APPLICABILITY AND GENERAL RULES** >

Att. #23

18 U.S. Code § 3231. District courts

U.S. Code	Notes
18 U.S.C. § 3231	<p>The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.</p> <p>Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.</p> <p>(June 25, 1948, ch. 645, 62 Stat. 826.)</p>

Att. #24

Standing

Overview

Standing, or *locus standi*, is capacity of a party to bring suit in court.

Standing in State Court

A state's statutes will determine what constitutes standing in that particular state's courts. These typically revolve around the requirement that plaintiffs have sustained or will sustain direct injury or harm and that this harm is redressable.

Standing in Federal Court

At the federal level, legal actions cannot be brought simply on the ground that an individual or group is displeased with a government action or law. Federal courts only have constitutional authority to resolve actual disputes (see Case or Controversy).

In Lujan v. Defenders of Wildlife (90-1424), 504 U.S. 555 (1992), the Supreme Court created a three-part test to determine whether a party has standing to sue:

1. The plaintiff must have suffered an "injury in fact," meaning that the injury is of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent
2. There must be a causal connection between the injury and the conduct brought before the court
3. It must be likely, rather than speculative, that a favorable decision by the court will redress the injury

Further Reading

For Supreme Court decisions focusing on the "standing" issue, see, e.g., County of Riverside v. McLaughlin, 500 U.S. 44 (1991), Northeastern Fla. Chapter of the Associated Gen. Contractors v. City of Jacksonville, 508 U.S. 656 (1993) and Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992).

Att. #25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE KNOXVILLE DIVISION

UNITED STATES OF AMERICA

v.

RANDALL KEITH BEANE
USM#52505-074

JUDGMENT IN A CRIMINAL CASE
(For Offenses committed on or after November 1, 1987)

Case Number: **3:17-CR-00082-TAV-DCP(1)**

Randall Keith Beane, pro se
Stephen G McGrath
Defendant's Elbow Counsel

THE DEFENDANT:

- ☐ pleaded guilty to count(s):
☐ pleaded nolo contendere to count(s) which was accepted by the court.
☒ was found guilty on count(s) 1-7 of the Indictment after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section and Nature of Offense	Date Violation Concluded	Count
18 U.S.C. § 1343 - Wire Fraud	07/11/2017	1-5
18 U.S.C. § 1344 - Bank Fraud	07/11/2017	6
18 U.S.C. § 1956(h) - Conspiracy to Commit Money Laundering	07/11/2017	7

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and 18 U.S.C. 3553.

- ☐ The defendant has been found not guilty on count(s).
☐ All remaining count(s) as to this defendant are dismissed upon motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and the United States attorney of any material change in the defendant's economic circumstances.

July 24, 2018

Date of Imposition of Judgment

s/ Thomas A. Varlan

Signature of Judicial Officer

Thomas A Varlan , United States District Judge

Name & Title of Judicial Officer

Att. #26.1

July 24, 2018

Date

DEFENDANT: RANDALL KEITH BEANE
CASE NUMBER: 3:17-CR-00082-TAV-DCP(1)

Judgment - Page 6 of 7

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments sheet of this judgment.

	Assessment	JVTA Assessment*	Fine	Restitution
TOTALS	\$700.00	\$0.00	\$0.00	\$510,589.02

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution of \$510,589.02 to:

USAA BANK
10750 W. INTERSTATE 10
SAN ANTONIO, TX 78288

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options under the Schedule of Payments sheet of this judgment may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- | | | |
|--|-------------------------------|--|
| <input checked="" type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input checked="" type="checkbox"/> restitution |
| <input type="checkbox"/> the interest requirement for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution is modified as follows: |

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Att. #26.2

DEFENDANT: RANDALL KEITH BEANE
CASE NUMBER: 3:17-CR-00082-TAV-DCP(1)

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payments of \$ 511,289.02 due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to U.S. District Court, 800 Market Street, Suite 130, Howard H. Baker, Jr. United States Courthouse, Knoxville, TN, 37902. Payments shall be in the form of a check or a money order, made payable to U.S. District Court, with a notation of the case number including defendant number.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ **Joint and Several**
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
☐ Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States: as set forth in the Preliminary Order of Forfeiture (doc. 224) entered July 24, 2018.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

Att. #26.3

Article III.

Section. 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;— between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Att. #27

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Att. #28

T E S T I M O N Y

Of

PARKER STILL

Before the

G R A N D J U R Y

Impaneled February, 2017

And Convened in

THE EASTERN DISTRICT OF TENNESSEE

Meeting in

Grand Jury Room
Howard H. Baker, Jr. Federal Courthouse
800 Market Street
Knoxville, Tennessee

* * * * *

Testimony July 18, 2017

Examination Conducted by:

CYNTHIA DAVIDSON
Assistant United States Attorney
800 Market Street
Knoxville, Tennessee

ORIGINAL

KENNEDY REPORTING SERVICES
205 NORTH 20TH STREET
SUITE 408
BIRMINGHAM, ALABAMA 35203

Att. #29.1

1 999,000. Y'all have to forgive me, I am lawyer, so these
2 numbers run together.

3 Nine nine nine comma, zero, zero, zero, that's
4 the -- that's the two CDs that were actually funded, yes,
5 ma'am.

6 Q And so what appeared once these CDs were funded?

7 A Okay. Once these CDs were funded Mr. Beane then
8 proceeded to liquidate the CDs, cash them out early,
9 incurring a penalty for doing so because they were 30-day
10 CDs.

11 So he incurs a penalty and then takes that --
12 the money from the CD and moves it into his personal bank
13 account at USAA.

14 Q And then what did he do with these funds?

15 A The funds were then used for basically personal
16 expenses. One -- a portion of the funds -- approximate --
17 the exact number, four nine three one ten sixty-eight,

18 \$493,110.68, was used to purchase a 2017 Integra Cornerstone
19 45 foot motor home.

20 And then additional funds from what USAA
21 provided us were used to pay off -- you know, pay insurance
22 needs, pay off, you know, USAA credit cards and that type of
23 stuff within the USAA system, yes, ma'am.

24 Q And what happened to the one, t/

25 A USAA was able to freeze a signi

Att. #29.2

1 Q And since Mr. Beane was arrested by the FBI; is
2 that correct?

3 A He was arrested. Just to clarify, he was
4 arrested by us on -- he had an outstanding warrant on a
5 state charge.

6 Q And since that arrest have -- has Ms.
7 Tucci-Jarraf or however you say her name, have things been
8 posted online regarding that?

9 A Yes, ma'am. We've seen a video now, a video and
10 audio where she explains about Mr. Beane obtaining CDs,
11 cashing them out early, which I would say to the Grand Jury
12 that that shows knowledge.

13 Q Yes.

14 A And she admits to following along to make sure
15 everything is running well and preparing legal documents.

16 She stated that the coach deal, I say -- when
17 she says coach deal, I take that to mean the motor coach
18 purchased from Buddy Gregg was successful and homes were
19 going to be next.

20 Based on my investigative experience that, to me
21 means that, they had success on this type of transaction.
22 They were going to try to do something with real property
23 next.

24 She stated in there that Beane
25 the scheme out and see what the road bumps

Att. #29.3

1 do you want us to just step out.

2 A JUROR: I've got one question.

3 In other words, he opened these CDs with ghost
4 funds and then he got real funds.

5 And based on memory there was about \$40,000 that
6 they didn't recover; is that right?

7 MS. DAVIDSON: No. There was about -- I think
8 it's closer to the amount of the five -- it's more than
9 500,000.

10 THE JUROR: Oh, yeah, but I mean --

11 MS. DAVIDSON: Because all of the money that
12 went to Whitney Bank for the motor home is gone?

13 THE JUROR: Right, right.

14 MS. DAVIDSON: Because that was a, you know, a
15 bona fide purchaser.

16 THE WITNESS: I think it will be a big benefit
17 to show this, this full transaction sheet that's been
18 provided to me by USAA for the benefit. You can see -- it's
19 just easy to see the money coming in and how it went right
20 out. I think it would be a benefit to answer your question,
21 sir, and anybody else's. Just give me one second.

22 MS. DAVIDSON: So they have lost over 500,000.

23 If you'll look at the forfeiture allegations the
24 thing that -- this is where we get the
25 seeking in money judgment. It's \$553

Att. #29.4

1 clear.

2 Not only have you reviewed these records, but,
3 you know, the USAA fraud investigator has reviewed these
4 extensively and relayed all the information that you've
5 previously testified about?

6 A Right. I rely on it --

7 Q And so with bringing out these records, which
8 are extremely confusing, we're only just trying to answer
9 your question. So --

10 A Well -- so just moving up you'll see -- let's go
11 into --

12 Q See those right there.

13 A Right. On 7-6 transfer from CD.

14 Can everybody see those?

15 A JUROR: Yes.

16 THE WITNESS: So there. And then right below it
17 -- again, this is kind of -- I understand how confusing this
18 is, but right below it you'll see the transfer out of the
19 450 and the 500,000, 450,000 and 50,000, also on 7-6.

20 Does everybody see that?

21 A JUROR. Uh-huh (affirmative response).

22 THE WITNESS: Okay. I'm going to switch us to
23 another account. Bear with me.

24 Q (By Ms. Davidson) Show the ac

25 A I'll show you this account nu

Att. #29.5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,
Defendants.

VOLUME I of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 23, 2018
9:16 a.m. to 5:00 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

CYNTHIA F. DAVIDSON, ESQUIRE
ANNE-MARIE SVOLTO, ESQUIRE
Assistant United States Attorney
United States Department of Justice
Office of the United States Attorney
800 Market Street
Suite 211
Knoxville, Tennessee 37902

**FOR THE DEFENDANT:
RANDALL BEANE**

RANDALL KEITH BEANE, PRO SE
Blount County Detention Center
920 East Lamar Alexander Parkway
Maryville, Tennessee 37904

**FOR THE DEFENDANT:
(As Elbow Counsel)**

STEPHEN G. McGRATH, ESQUIRE
9111 Cross Park Drive
Suite D-200
Knoxville, Tennessee 37923

REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
(865) 210-6698
P.O. Box 1823
Knoxville, Tennessee 37901-1823

Att. #30.1

Parker Still - Cross-Examination

1 and then I think there was some kind of maybe IP logs that
2 showed a -- where, you know -- just IP logs.

3 Q And that is what you used to make a determination
4 that a -- when you were working on an affidavit for the
5 warrant, because you have to basically have an application of
6 affidavit, an affidavit application for a warrant in order for
7 a warrant to be issued. Is that correct?

8 A You have -- yeah, well you have an affidavit that we
9 swear to, you know, facts, and then, yeah, it's -- yes, ma'am.
10 You would then, I guess, you -- yeah, there is an application,
11 an affidavit, and then you ultimately get an order from the
12 court -- from the magistrate judge, yes, ma'am.

13 But I'm not just working on that. I mean, we are
14 working on this from multiple angles. We've got people looking
15 into the background. We've got people -- like I said, I'm
16 working on the affidavit. We're trying to get calls in to USAA
17 to understand more detail.

18 Like I said, we were working on the affidavit. It is
19 not a finished product at this time. We are working on it. We
20 have credible, reliable information from one of the, you know,
21 a large financial -- United States financial institution that a
22 theft has occurred. And we are conducting an investigation
23 accordingly and reacting accordingly. Have no reason to doubt

24 USAA's information that they provided to us.

25 Q So at that point, you had determined that USAA Bank

UNITED STATES DISTRICT COURT

Att. #30.2

Parker Still - Cross-Examination

1 you stop the lawful process, the criminal procedures you're
2 supposed to follow in order to have a warrant to be able to
3 arrest someone? What -- who called you with that information
4 that had you abandon protocols and process?

5 A I never --

6 Q For what you had stated was to protect victim and
7 asset?

8 A The argument that I abandoned protocols and process,
9 I strongly disagree with. I did not abandon anything. We
10 have -- we can make a probable cause arrest based on
11 information.

12 Just like tonight if I see a shoplifter running down
13 the aisle at Walmart, I can tackle them. You know, I can make
14 a probable cause arrest in Tennessee.

15 So let's -- I didn't abandon any type of protocols or
16 anything. Our job is to stop criminal activity. So I strongly
17 disagree with that assumption that we abandoned anything.

18 I was working on a seizure warrant. That is correct.

19 At the time I was working on a seizure warrant in coordination

20 with the U.S. Attorney's Office. Once the facts changed, and

21 Mr. Beane starts -- is -- plans to leave in that motor home or

22 it's going to be -- the keys are going to be turned over to him

23 at Buddy Gregg, we had to react. There was not time for me to

24 get in front of the magistrate judge. There was not time for

25 me to finish an affidavit. We had to react at the time.

UNITED STATES DISTRICT COURT

Att. #30.3

Parker Still - Cross-Examination

1 to jail.

2 Q Did you ever provide a copy of that alleged South
3 Carolina outstanding warrant to Ms. Davidson or anyone on
4 the -- at the DOJ?

5 A You know, I would have to look back on it. What we
6 normally do is we turn our file -- our discovery file over to
7 the prosecutors.

8 Q Okay. On July 11th, prior to or at any moment, did
9 you ever present a warrant to Mr. Beane or the other
10 unidentified male and unidentified female that you found in
11 that vehicle? Did you ever present an actual paper warrant or
12 electronic warrant to any of those three?

13 A No, ma'am. And I -- I don't -- I mean, that's -- I
14 think that's some of TV stuff where we serve people, put a
15 warrant in their hands. You know, that's -- I don't -- that's
16 just not general practice where you would, you know, serve
17 someone -- hand someone a warrant, generally.

18 Q Okay.

19 A I'm not saying it doesn't happen. I'm just saying,
20 you know, the fact that we -- you know, we've made -- you know,
21 we have -- it's a team effort. We rely on information that is
22 provided to us, and we go out and we do our jobs. And on that
23 day --

24 Q Sorry.

25 A Oh, go ahead.

UNITED STATES DISTRICT COURT

Att. #30.4

Parker Still - Cross-Examination

1 not know who all -- you know, we don't -- it's -- we're
2 reacting to a situation. We do not know what -- you know, if
3 there's other people involved. We just don't know. We have to
4 make that arrest, get him cuffed up.

5 He was -- he did, as you said, he obtained a cut on
6 his head. We had an EMT, Jason, who was at the scene, is an
7 agent who's also an EMT and he treated him immediately. Also,
8 we called an ambulance just to be on the safe side, and
9 Mr. Beane refused treatment.

10 Q When -- after he received the head injury, he refused
11 treatment?

12 A I disagree with that -- I don't know -- I mean, an
13 injury, he got a cut on his head.

14 Q 302 that he had a head injury. The actual -- okay.
15 Let's step aside from that. When you approached the vehicle,
16 were weapons drawn?

17 A I don't recall a weapon being drawn, no, ma'am. I
18 don't --

19 Q How many officers were there?

20 A At the time, there were initially four total FBI
21 agents that were there at the scene.

22 Q And supporting officers, how many?

23 A Got there a little bit later. There were some Knox
24 County deputies that arrived and some of our task force
25 officers.

UNITED STATES DISTRICT COURT

Att. #30.5

Monica Alcala - Direct Examination

1 A Yes.

2 Q And what did he call this funding account?

3 A It was listed as trust.

4 Q Okay. And what was the routing number of that
5 funding account?

6 A I don't have the exact number, but it was for the
7 Federal Reserve Bank.

8 Q And what was the account number?

9 A The account number was Randall Beane's Social
10 Security number.

11 Q So his actual -- his actual Social Security number?

12 A Yes.

13 Q So Federal Reserve routing number and then his actual
14 Social Security number on July 3rd?

15 A Correct.

16 Q Okay. And so once he added that funding account,
17 what did he do?

18 A He used that account to pay -- to completely pay off
19 the four loans, to pay off his credit card, and to pay his auto
20 insurance in full.

21 Q Okay. And so he added this account, and then made
22 all these payments. Is that an instantaneous process? Does --
23 when he adds this account, is the money immediately sucked out
24 of whatever he put on the website?

25 A The account is added. And to pay your bills, it

UNITED STATES DISTRICT COURT

Att. #30.6

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,

Defendants.

VOLUME II of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 24, 2018
9:09 a.m. to 5:16 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

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**FOR THE DEFENDANT:
RANDALL BEANE**

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**FOR THE DEFENDANT:
(As Elbow Counsel)**

STEPHEN G. McGRATH, ESQUIRE
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REPORTED BY:

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Knoxville, Tennessee 37901-1823

Att. #31.1

Monica Alcala - Continued Direct Examination

1 A ENALRR67@Gmail.com.

2 Q Okay. And member number?

3 A 40540949.

4 Q Social Security number?

5 A 243-39-1135.

6 Q Okay. And let's go to the -- David, if you can, to
7 the information regarding -- no, not that. I'm sorry. If you
8 could go to the information regarding -- okay. Go to the
9 second page of this exhibit, please.

10 Okay. And tell me what is the initial deposit.

11 A 500,000.

12 Q Okay. And what is the routing number?

13 A That's the Federal Reserve routing number.

14 Q And what is the funding number -- I mean, I'm sorry,
15 the funding account number?

16 A It's 244391135.

17 Q Okay. So did you do a spreadsheet of all the CDs
18 that the defendant attempted to purchase in this way on -- or
19 did purchase in this way from July 5th through July 7th?

20 A I did.

21 Q Would this spreadsheet assist you in your testimony?

22 A Yes, it will.

23 Q Okay. If you could pull up Government's Exhibit 2.

24 Okay. Explain to the jury what's contained -- first
25 of all, is this for Randall Beane's account?

UNITED STATES DISTRICT COURT

Att. #31.2

Monica Alcala - Continued Direct Examination

1 and how people can use the Treasury -- the routing number, the
2 Federal Reserve routing number and your social to pay your
3 bills.

4 Q Okay. During the theft from the defendant, Randall
5 Keith Beane, roughly July 30 -- I'm sorry, July 3rd, 2017
6 through July 10th, 2017, was USAA Bank FDIC insured?

7 A Yes.

8 Q Okay. Total amount of CDs purchased by Randall Beane
9 using the routing number of the Federal Reserve Bank and the
10 bad account number?

11 A There were 32 successfully opened CDs.

12 Q And what was the amount of the -- that were funded?

13 A It was over \$31 million.

14 Q So if I told you the number was \$31,000,494.974
15 [sic], would that sound right?

16 A That sounds right.

17 Q Okay. You talked a little bit about USAA trying to
18 claw the money back?

19 A Yes.

20 Q What's the total loss to USAA Bank based on this
21 fraud scheme?

22 A Right now the consumer loans are in default about
23 \$25,000, the credit cards are in default about another 25,000,
24 and then the checking amount, over 500,000, so over \$550,000.

25 MS. DAVIDSON: May I have a moment, Your Honor.

UNITED STATES DISTRICT COURT

Att. #31.3

Jaron Patterson - Cross-Examination

1 Q Is there a reason why you didn't take a record of a
2 screenshot of the entire post?

3 A I don't recall why, no.

4 Q Okay. Were you at the event at Buddy Gregg's on
5 July 11th, 2017?

6 A I was.

7 Q Okay. You were one of the arresting officers?

8 A No. I wasn't an arresting officer, but I was there.

9 Q You were on the scene. Okay. Do you know if there
10 was a warrant on the premises?

11 A On the premises?

12 Q Did you -- did the task force that went to Buddy
13 Gregg that day?

14 A The FBI personnel who went to the scene did -- were
15 all aware there was an active arrest warrant for Randall Beane,
16 but there were no -- I don't know what you mean by "on the
17 premises." Did we have a warrant for the premises?

18 Q No. Did you have a warrant for Mr. Beane with you?

19 A I didn't have one with me, but we had knowledge there
20 was an active arrest warrant.

21 Q And per your knowledge, what was -- who issued that
22 active arrest warrant?

23 A I don't recall.

24 Q And what steps, if any, did you take to confirm there
25 was an -- personally, what steps did you take to confirm that

UNITED STATES DISTRICT COURT

Att. #31.4

Jaron Patterson - Cross-Examination

1 there was an active outstanding warrant?

2 A Law enforcement personnel confirmed it, acting on
3 good faith with other law enforcement officers.

4 Q And you said law enforcement, someone in the law
5 enforcement, who -- which -- because you work for many, or you
6 work with many that you had stated here, FBI, U.S. Marshals?

7 A It would have been FBI.

8 Q Do you know which law enforcement?

9 A It would have been FBI that confirmed.

10 Q So FBI was the one that informed you that there was
11 an outstanding warrant?

12 A Yes.

13 Q Do you remember specifically which FBI agent?

14 A No. I don't.

15 Q And did you receive that information prior to
16 arriving to Buddy Gregg --

17 A Yes.

18 Q -- site? Were you en route or were you in the office
19 when you got that?

20 A We were in the office.

21 Q Is there any reason why you guys didn't pull a copy
22 of that alleged active outstanding warrant?

23 A That's not very common to take a copy.

24 Q So it's not common to take a copy or to have a
25 warrant to show someone that you were arresting?

UNITED STATES DISTRICT COURT

Att. #31.5

Jaron Patterson - Cross-Examination

1 A The original copy would have been with the issuing
2 agency, so it was an out-of-state warrant. The original copy
3 would have been in another state.

4 Q In another state. If there was an outstanding
5 warrant, do you know what kind of outstanding warrant it was?

6 A I don't recall specifically. It was either a failure
7 to appear or -- I don't recall specifically.

8 Q Do you recall it was a felony warrant or --

9 A I don't.

10 Q -- misdemeanor?

11 A I don't recall, no.

12 Q Are there ways to actually check to see if there's
13 a -- any outstanding warrants, like what's your procedure?

14 A Can either check with the operations center or
15 whoever has access to an NCIC terminal, or you can also
16 physically call the agency who issued it.

17 Q Did you actually call the physical agency?

18 A I did not.

19 Q And did you check with the operations unit to see if
20 they checked the NCIC?

21 A I don't recall if I actually talked to the operations
22 center or if another officer did.

23 Q Are you aware of whether anybody that day that was on
24 the premises at Buddy Gregg had actually contacted the
25 operations center?

UNITED STATES DISTRICT COURT

Att. #31.6

Jaron Patterson - Cross-Examination

1 A I don't recall who did, no.

2 Q Okay. And are you aware of anyone that was at the
3 Buddy Gregg in law enforcement or that was law enforcement at
4 the Buddy Gregg incident on July 7th -- excuse me, July 11th,
5 had actually requested a copy of the physical warrant from the
6 physical agency that issued it?

7 A No, I don't recall that.

8 Q So you're not sure if it was ever -- truly existed?

9 A No.

10 Q Other than relying on the statement of a fellow FBI
11 agent?

12 A Correct.

13 Q Couple final questions.

14 Regarding Facebook, when you went to go get those
15 snapshots, did you have to befriend myself or Mr. Randall to be
16 able to view those or it's just open?

17 A It was just open.

18 Q So anybody anywhere on this planet would be able to
19 see them?

20 A Sure. As long as they had a Facebook account.

21 MS. TUCCI-JARRAF: Thank you.

22 THE WITNESS: You're welcome.

23 THE COURT: Thank you.

24 Cross-examination, Mr. Beane?

25 MR. BEANE: No, thank you.

UNITED STATES DISTRICT COURT

Att. #31.7

6 wanted to -- before he went out west, he wanted to familiarize
7 himself with the motor home.

8 Q And so do you know when he brought the motor home
9 back?

10 A It would have been sometime on Saturday, because we
11 got the key.

12 Q Okay. So Saturday, was that July 8th?

13 A I'd have to look at that. I believe it was, yes.
14 Yeah. Actually, it was, July 8th. And it would have been --
15 he would have left, the day that the wire came through is the
16 day that the motor home was taken possession of.

17 Q So then after Mr. Beane came in and after he brought
18 the motor coach home, did you guys do any warranty work?

19 A It wasn't -- it was never brought home. It left the
20 premises and came directly back.

21 Q Okay.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,

Defendants.

VOLUME III of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 25, 2018
9:08 a.m. to 4:50 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

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**FOR THE DEFENDANT:
(As Elbow Counsel)**

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REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
(865) 210-6698
P.O. Box 1823
Knoxville, Tennessee 37901-1823

Att. #32.1

Jerald Byrne - Recross-Examination

1 A All they had was -- was the collateral that -- that
2 USAA felt that they owned, so ...

3 Q But the funds had proven to be legitimate?

4 A The funds had cleared our account.

5 Q Okay. Who convinced you -- at some point, you said
6 that you felt comfortable with me as a customer, and you wanted
7 to protect me as a customer. Who convinced you otherwise to
8 let you believe that I had committed a crime to the point where
9 you allowed the FBI on the property to ambush me, basically?

10 A Well, it wasn't a convincing of anything. It's
11 called obstruction of justice. I'm not going to get involved.
12 My main goal is to keep our customers satisfied and safe.
13 Okay. When someone above my authority comes in on that
14 property, I don't get involved until the dust settles.

15 Q Had they been on the property prior to --

16 A Never.

17 Q Never? Just on phone calls?

18 A I'm sorry?

19 Q Just phone calls?

20 A Phone calls.

21 MR. BEANE: All right. I have no further questions.

22 THE COURT: All right. Thank you, Mr. Beane.

23 Ms. Tucci-Jarraf, any recross in response to the
24 redirect?

25 MS. TUCCI-JARRAF: Without prejudice, just brief

UNITED STATES DISTRICT COURT

Att. #32.2

Jerald Byrne - Cross-Examination

1 A Yeah. I mean, it's hard to know how you were
2 feeling, but I know I was feeling kind of confused because too
3 much stuff was going on at once.

4 Q I think we were all trying to -- you know, just kind
5 of -- we didn't know what to do, because we'd never dealt with
6 that before either, none of us.

7 Oh, I did want to ask you, on the extended warranty,
8 is it typical of someone who is -- in all your years in the
9 business, for someone who is planning on turning around and
10 selling the vehicle for profit to buy an extended warranty on
11 it?

12 A I was never under the impression you were trying to
13 sell it for profit.

14 MR. BEANE: Thank you. No further questions.

15 THE COURT: Thank you.

16 Cross-examination?

17 MS. TUCCI-JARRAF: Yes, please.

18 THE COURT: Ms. Tucci-Jarraf.

19 **CROSS-EXAMINATION**

20 BY MS. TUCCI-JARRAF:

21 Q Without prejudice, I have a few questions for you,
22 Mr. Byrne.

23 Mr. Byrne, I'm sorry?

24 A Yes, sir.

25 Q I misrepresented your name.

UNITED STATES DISTRICT COURT

Att. #32.3

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,
Defendants.

VOLUME IV of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 26, 2018
9:04 a.m. to 4:32 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

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ANNE-MARIE SVOLTO, ESQUIRE
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FOR THE DEFENDANT:
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Maryville, Tennessee 37904

FOR THE DEFENDANT:
(As Elbow Counsel)

STEPHEN G. McGRATH, ESQUIRE
9111 Cross Park Drive
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Knoxville, Tennessee 37923

REPORTED BY:

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Official Court Reporter
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P.O. Box 1823
Knoxville, Tennessee 37901-1823

Att. #33.1

Sean O'Malley - Continued Cross-Examination

1 window.

2 Q So, then, ACH credits are given to USAA in this
3 particular instance. Is that what you're saying?

4 A So in this particular instance, USAA received a
5 credit, but basically what they did is they debited out of the
6 Ginnie Mae's securities account at the Federal Reserve Bank of
7 New York, and they pulled \$30.5 million out of the account in
8 30-some-odd tranches, and each one of those ACH debits that
9 were pulled out of the Ginnie Mae securities had to be returned
10 within a two-day window, and they were, so that USAA -- the
11 funds were taken back out of the USAA account, put back in the
12 Ginnie Mae securities account, and there was no loss to the
13 U.S. government.

14 Q What is Ginnie Mae securities account?

15 A That is the account -- the routing number of the
16 account that was debited.

17 Q Okay. So each routing number of all 12 Federal
18 Reserve Banks, they all go to the Ginnie Mae's securities
19 account?

20 A No. So the ACH fraud started out by people looking
21 up Federal Reserve routing numbers and using those routing
22 numbers to debit or pull money out of those routing numbers.
23 It morphed into looking for any U.S. government routing number
24 and then they started pulling it from the various different
25 routing numbers that we talked about, U.S. -- the Federal

UNITED STATES DISTRICT COURT

Att. #33.2

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Defendants.

Case No. 3:17-cr-82

Monday, January 29, 2018
9:03 a.m. to 5:38 p.m.

APPEARANCES:

ON BEHALF OF THE GOVERNMENT:

ON BEHALF OF THE DEFENDANT RANDALL KEITH
BEANE: (Appearing Pro Se)

STEPHEN G. MC GRATH, ESQ. (Elbow Counsel)
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Att. #34.1

1 USAA, did you?

2 A. Yes.

3 Q. You told the Wegners that you were going to
4 talk to someone at USAA Bank in Texas?

5 A. That was the only purpose to go to Texas.

6 Q. And you told that to Alex and Valerie
7 Wegner?

8 A. I did.

9 Q. And so if they said otherwise, if they said
09:11AM 10 that you never mentioned going to USAA, would they
11 be lying?

12 A. Yes, they would be lying.

13 Q. All right. So you're upset at the Wegners
14 right now, aren't you?

15 A. Only at Alex.

16 Q. Only at Alex.

17 A. Yes.

18 Q. Is that because he opened the door to the
19 RV when the FBI arrived?

09:12AM 20 A. Yes.

21 Q. And so you were mad at him for opening the
22 door to the RV?

23 A. Yes.

24 Q. Because you had told him not to open the
25 door; isn't that correct?

Att. #34.2

1 A. I didn't say anything about opening the
2 door.

3 Q. But you didn't think he should have opened
4 the door?

5 A. Not without a warrant.

6 Q. So you had mentioned going to USAA to talk
7 to -- excuse me -- to go to Texas to USAA to talk to
8 someone there, but you knew who to talk to at USAA
9 Bank, didn't you?

09:12AM 10 A. No, ma'am.

11 Q. You didn't know that you should -- that the
12 person who was asking questions about this
13 whole -- these -- all of these transactions was True
14 Brown?

15 A. No. No, at that point, he was identified
16 as an FBI agent.

17 Q. You knew on the call with Buddy Gregg that
18 True Brown was with USAA, and Lauren Palmisano with
19 Whitney Bank gave you that information on that
09:13AM 20 conference call, didn't she?

21 A. Mr. Brown was introduced as an FBI agent to
22 begin with.

23 Q. And when Lauren Palmisano with Whitney Bank
24 discusses with you that she received a call from
25 True Brown while speaking with you and Heather, she

Att. #34.3

1 to the office for?"

2 And so I walked with him to the office.
3 When I walked in, everybody in the office was
4 looking at me. And I just stood there and looked at
5 them. I didn't feel very comfortable.

6 He said, "Have a seat right here." And
7 I said, "Who am I here to see?" He said, "The boss.
8 He's out to lunch." I said, "Well, when he comes
9 back, I'll be in the coach. Have him to come out
10 there and get me."

11:38AM

11 So I walked out. And as soon as I
12 walked out the door, there was a car pulled up with
13 a couple of these agents in. I didn't know they
14 were agents, but I could tell with -- by the suits
15 and ties they had on, they were not customers.

16 So I walked -- I proceeded to go on to
17 the coach, and at that time I was on the telephone
18 with you.

11:38AM

19 So I sat down in the coach and was
20 waiting for it to cool off, and here comes this car
21 pull up in front of the coach blocking it in. And
22 all these fellows get out and run -- come to the
23 door telling me to open the door.

24 And then Alex opens the door and let's
25 them in, and they're coming in telling me I'm under

Att. #34.4

1 arrest; I'm a fugitive out of Colorado, and I'm
2 trying to tell them I've never been to Colorado.

3 Well, they grab me and pulled me
4 outside the coach and start beating me and throwing
5 me on the ground. One of them has got his foot on
6 my head and telling me to -- I'm telling him, "I
7 can't breathe." And he's saying, "You're going to
8 have to breathe."

9 Well, when I did breathe, my mouth was
11:39AM 10 stuck full of dirt and grass because he had my head
11 so far down in the grass, I couldn't do anything.

12 Q. If you can -- is that officer here in this
13 room right now?

14 A. I didn't -- at that point, I think -- I
15 don't see him now. He was in here.

16 This gentleman here known as Mr. Pack
17 who I've pointed to several times, and then
18 Mr. Parker Still.

19 Q. Uh-huh.

11:39AM 20 A. There was a lady who was pregnant and then
21 the bald-headed guy. I don't remember his name.
22 Jimmy Duran or something like that.

23 Q. Okay.

24 A. I think Mr. Duran was the one that was
25 manhandling me the most.

Att. #34.5

1 A. Right.

2 Q. Uh-huh. But to let me speak with them to
3 at least figure their identification --

4 A. Right.

5 Q. -- and their purpose?

6 A. Right.

7 Q. Okay. And then so you could talk to them?

8 A. Exactly.

9 Q. Figure out what's going on?

11:41AM 10 A. Right.

11 Q. Because at that time I told you perhaps it
12 was part of trying to figure out the identity of who
13 was messing around with the accounts?

14 A. Exactly.

15 Q. Uh-huh.

16 A. Exactly.

17 Q. It appears they weren't calm that day?

18 A. They were not calm.

19 Q. They didn't ask to talk to you?

11:41AM 20 A. No, they wouldn't let me talk. They
21 wanted -- they wanted -- it was obvious that they
22 wanted me -- they wanted to manhandle me and they
23 wanted me down.

24 Q. Okay. And you received an injury that day?

25 A. On the back of my head. Of course, you

Att. #34.6

1 know, I'm in handcuffs; so I can't feel it, but I
2 can feel blood trickling.

3 Q. You had stated that and we had heard
4 testimony that it was facedown on the ground.

5 A. Yes, it was facedown.

6 Q. So how did you receive an injury to the
7 back of your head?

8 A. They manhandled me pretty good. They
9 twisted this arm up pretty good (indicating). But I
11:42AM 10 don't remember. There was so much activity going
11 on. Things were flying by. So I don't remember
12 exactly how the back of the head got hurt, but I was
13 hurting all over. I had a black eye and --

14 Q. Okay.

15 A. -- several bruises all over my body after a
16 couple days.

17 Q. Did they offer you medical attention?

18 A. They -- they amazingly had an ambulance
19 pull up and ask me to -- if I wanted to be looked
11:42AM 20 at, and I told them no.

21 Q. So an ambulance was already present
22 before --

23 A. I mean, the ambulance --

24 Q. -- you came out of the RV?

25 A. -- pulled up during the arrest.

Att. #34.7

1 Q. Oh, okay. I see what you're saying.

2 The ambulance arrived while you were
3 being arrested?

4 A. Yes.

5 Q. And -- I'm sorry -- I didn't hear your
6 answer. Did you get medical attention?

7 A. No.

8 Q. Did you refuse the medical attention?

9 A. Yes, I did.

11:43AM 10 Q. Okay. After that, did they put you into a
11 patrol car?

12 A. No, at that point, they -- they pulled my
13 pants down around my waist and made me stand there
14 in handcuffs. And there were people everywhere,
15 just everywhere watching, but I was standing there
16 in my underwear, basically, with my shorts down
17 around my thighs with my handcuffs on with a bandage
18 wrapped tight around my head.

19 Q. But you said you had refused medical
11:43AM 20 attention. Who did the bandage around your head?

21 A. Mr. Pack did.

22 Q. Mr. Pack?

23 A. Yes.

24 Q. Mr. Pack.

25 A. The gentleman with the glasses there.

Att. #34.8

1 Q. Okay.

2 A. And he put it on really tight.

3 Q. And you were in your underwear?

4 A. They had pulled my pants down so that I was
5 standing there with my underwear showing with my
6 hands cuffed.

7 Q. And there were people around?

8 A. There were people everywhere.

9 Q. Okay. Did they say -- were you told why
11:44AM 10 your pants were pulled down?

11 A. I was told nothing. I was just told there
12 was a warrant for my arrest out of Colorado, and I
13 kept trying to tell them, "I've never been to
14 Colorado."

15 Q. You told them that?

16 A. Yes. They said they didn't care.

17 Q. Did you ask to see the warrant?

18 A. Yes.

19 Q. Did they produce a warrant --

11:44AM 20 A. No.

21 Q. -- that day?

22 A. No.

23 Q. Did they identify themselves?

24 A. No.

25 Q. Did they say what agency they worked for?

Att. #34.9

1 A. No, nothing.

2 Q. Did they give you -- nothing?

3 A. Nothing.

4 Q. Did they at least tell you why you were
5 arrested?

6 A. No, nothing; nothing. They didn't say
7 anything to me. Other than the fact that
8 Colorado -- I was a fugitive of Colorado.

9 Q. Okay. So they did tell you --

11:45AM 10 A. They told me I was a fugitive out of
11 Colorado.

12 Q. "Fugitive out of Colorado."

13 So the first time you had ever heard
14 that was from the F- -- from whoever was present,
15 Mr. Parker Still, Mr. Pack, and Mr. --

16 A. Yes, that's correct.

17 Q. -- Duran, I think.

18 Was Mr. Patter- -- or Officer
19 Patterson there as well? He was the one that
11:45AM 20 testified about cyber -- he does cyber stuff
21 from --

22 A. I never saw him.

23 Q. -- the University of Tennessee Police
24 Department.

25 A. There were several officers walking around.

Att. #34.10

Articles of the Covenant

The Covenant follows the structure of the UDHR and ICESCR, with a preamble and fifty-three articles, divided into six parts.^[11]

Part 1 (Article 1) recognizes the right of all peoples to self-determination, including the right to "freely determine their political status",^[12] pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognises a negative right of a people not to be deprived of its means of subsistence,^[13] and imposes an obligation on those parties still responsible for non-self governing and trust territories (colonies) to encourage and respect their self-determination.^[14]

Part 2 (Articles 2 – 5) obliges parties to legislate where necessary to give effect to the rights recognised in the Covenant, and to provide an effective legal remedy for any violation of those rights.^[15] It also requires the rights be recognised "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,"^[16] and to ensure that they are enjoyed equally by women.^[17] The rights can only be limited "in time of public emergency which threatens the life of the nation,"^[18] and even then no derogation is permitted from the rights to life, freedom from torture and slavery, the freedom from retrospective law, the right to personhood, and freedom of thought, conscience and religion.^[19]

Part 3 (Articles 6 – 27) lists the rights themselves. These include rights to:

- physical integrity, in the form of the right to life and freedom from torture and slavery (Articles 6, 7, and 8);
- liberty and security of the person, in the form of freedom from arbitrary arrest and detention and the right to *habeas corpus* (Articles 9 – 11);
- procedural fairness in law, in the form of rights to due process, a fair and impartial trial, the presumption of innocence, and recognition as a person before the law (Articles 14, 15, and 16);
- individual liberty, in the form of the freedoms of movement, thought, conscience and religion, speech, association and assembly, family rights, the right to a nationality, and the right to privacy (Articles 12, 13, 17 – 24);
- prohibition of any propaganda for war as well as any advocacy of national or religious hatred that constitutes incitement to discrimination, hostility or violence by law (Article 20);
- political participation, including the right to the right to vote (Article 25);
- Non-discrimination, minority rights and equality before the law (Articles 26 and 27).

Many of these rights include specific actions which must be undertaken to realise them.

Part 4 (Articles 28 – 45) governs the establishment and operation of the Human Rights Committee and the reporting and monitoring of the Covenant. It also allows parties to recognise the competence of the Committee to resolve disputes between parties on the implementation of the Covenant (Articles 41 and 42).

Part 5 (Articles 46 – 47) clarifies that the Covenant shall not be interpreted as interfering with the operation of the United Nations or "the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources".^[20]

Part 6 (Articles 48 – 53) governs ratification, entry into for

Att. #35.1

Rights to physical integrity

Article 6 of the Covenant recognises the individual's "inherent right to life" and requires it to be protected by law.^[21] It is a "supreme right" from which no derogation can be permitted, and must be interpreted widely.^[22] It therefore requires parties to take positive measures to reduce infant mortality and increase life expectancy, as well as forbidding arbitrary killings by security forces.^[22]

While Article 6 does not prohibit the death penalty, it restricts its application to the "most serious crimes"^[23] and forbids it to be used on children and pregnant women^[24] or in a manner contrary to the Convention on the Prevention and Punishment of the Crime of Genocide.^[25] The UN Human Rights Committee interprets the Article as "strongly suggest[ing] that abolition is desirable",^[22] and regards any progress towards abolition of the death penalty as advancing this right.^[22] The Second Optional Protocol commits its signatories to the abolition of the death penalty within their borders.

Article 7 prohibits torture and cruel, inhuman or degrading punishment.^[26] As with Article 6, it cannot be derogated from under any circumstances.^[19] The article is now interpreted to impose similar obligations to those required by the United Nations Convention Against Torture, including not just prohibition of torture, but active measures to prevent its use and a prohibition on refoulement.^[27] In response to Nazi human experimentation during WW2 this article explicitly includes a prohibition on medical and scientific experimentation without consent.^[26]

Article 8 prohibits slavery and enforced servitude in all situations.^[28] The article also prohibits forced labour, with exceptions for criminal punishment, military service and civil obligations.^[29]

Liberty and security of person

Article 9 recognises the rights to liberty and security of the person. It prohibits arbitrary arrest and detention, requires any deprivation of liberty to be according to law,^[30] and obliges parties to allow those deprived of their liberty to challenge their imprisonment through the courts.^[31] These provisions apply not just to those imprisoned as part of the criminal process, but also to those detained due to mental illness, drug addiction, or for educational or immigration purposes.^[32]

Articles 9.3 and 9.4 impose procedural safeguards around arrest, requiring anyone arrested to be promptly informed of the charges against them, and to be brought promptly before a judge.^[33] It also restricts the use of pre-trial detention,^[34] requiring that it not be 'the general rule'.^[32]

Article 10 requires anyone deprived of liberty to be treated with dignity and humanity.^[35] This applies not just to prisoners, but also to those detained for immigration purposes or psychiatric care.^[36] The right complements the Article 7 prohibition on torture and cruel, inhuman or degrading treatment.^[36] The article also imposes specific obligations around criminal justice, requiring prisoners in pretrial detention to be separated from convicted prisoners, and children to be separated from adults.^[37] It requires prisons to be focused on reform and rehabilitation rather than punishment.^[38]

Article 11 prohibits the use of imprisonment as a punishment for breach of contract.^[39]

Procedural fairness and rights of the accused

Att. #35.2

Article 14 recognizes and protects a right to justice and a fair trial. **Article 14.1** establishes the ground rules: everyone must be equal before the courts, and any hearing must take place in open court before a competent, independent and impartial tribunal, with any judgment or ruling made public.^[40] Closed hearings are only permitted for reasons of privacy, justice, or national security, and judgments may only be suppressed in divorce cases or to protect the interests of children.^[40] These obligations apply to both criminal and civil hearings, and to all courts and tribunals.^[41] **Article 14.3** mandates that litigants must be informed promptly and in detail in a language which they understand.^[42]

The rest of the article imposes specific and detailed obligations around the process of criminal trials in order to protect the rights of the accused and the right to a fair trial. It establishes the Presumption of innocence^[43] and forbids double jeopardy.^[44] It requires that those convicted of a crime be allowed to appeal to a higher tribunal,^[45] and requires victims of a Miscarriage of justice to be compensated.^[46] It establishes rights to a speedy trial, to counsel, against self-incrimination, and for the accused to be present and call and examine witnesses.^[47]

Article 15 prohibits prosecutions under Ex post facto law and the imposition of retrospective criminal penalties, and requires the imposition of the lesser penalty where criminal sentences have changed between the offence and conviction.^[48] But except the criminal according to general principles of law recognized by international community.^[49] (jus cogens)

Article 16 requires states to recognize everyone as a person before the law.^[50]

Individual liberties

Article 12 guarantees freedom of movement including the right of persons to choose their residence, to leave and return to a country.^[51] These rights apply to legal aliens as well as citizens of a state,^[52] and can be restricted only where necessary to protect national security, public order or health, and the rights and freedoms of others.^[53] The article also recognises a right of people to enter their own country; the right of return.^[54] The Human Rights Committee interprets this right broadly as applying not just to citizens, but also to those stripped of or denied their nationality.^[52] They also regard it as near-absolute; "there are few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable".^[52]

Article 13 forbids the arbitrary expulsion of resident aliens and requires such decisions to be able to be appealed and reviewed.^[55]

Article 17 mandates the right of privacy.^[56] This provision, specifically article 17(1), protects private adult consensual sexual activity, thereby nullifying prohibitions on homosexual behaviour,^[57] however, the wording of this covenant's marriage right (Article 23) excludes the extrapolation of a same-sex marriage right from this provision.^[58] Article 17 also protects people against unlawful attacks to their honor and reputation. Article 17 (2) grants the protection of the law against such attacks.^[56]

Article 18 mandates freedom of religion or belief.^[59]

Article 19 mandates freedom of expression.^[60]

Article 20 mandates sanctions against inciting war and hatred.^[61]

Att. #35.3

Article 21 mandates freedom of assembly and **22** mandates freedom of association. These provisions guarantee the right to freedom of association, the right to trade unions and also defines the International Labour Organization.^{[62][63]}

Article 23 mandates the right of marriage.^[64] The wording of this provision neither requires nor prohibits same-sex marriage.^[65]

Article 24 mandates special protection, the right to a name, and the right to a nationality for every child.^[66]

Article 27 mandates the rights of ethnic, religious and linguistic minority to enjoy their own culture, to profess their own religion, and to use their own language.^[67]

Political rights

Article 3 provides an accessory non-discrimination principle. Accessory in the way that it cannot be used independently and can only be relied upon in relation to another right protected by the ICCPR.

In contrast, **Article 26** contains a revolutionary norm by providing an autonomous equality principle which is not dependent upon another right under the convention being infringed. This has the effect of widening the scope of the non-discrimination principle beyond the scope of ICCPR.

Att. #35.4



ABOUT

RESOURCES

ANALYSIS

NEWS

Other situations not insured by the FDIC:

Safe Deposit Boxes - The contents of a safe deposit box are not insured by the FDIC. (Make sure you read the contract you signed with the bank when you rented the safe deposit box in the event that some other type of insurance is provided; some banks may make a very limited payment if the box or contents are damaged or destroyed, depending on the circumstances.) If you are concerned about the safety, or replacement, of items you have put in a safe deposit box, you may wish to consider purchasing fire and theft insurance. Usually such insurance is part of a homeowner's or tenant's insurance policy for a residence and its contents. Again, consult your insurance agent for more information.

In the event of a bank failure, in most cases an acquiring institution would take over the failed bank's offices, including locations with safe deposit boxes. If no acquirer can be found the FDIC would send boxholders instructions for removing the contents of their boxes.

Robberies and Other Thefts - Stolen funds may be covered by what's called a banker's blanket bond, which is a multi-purpose insurance policy a bank purchases to protect itself from fire, flood, earthquake, robbery, defalcation, embezzlement and other causes of disappearing funds. In any event, an occurrence such as a fire or bank robbery may result in a loss to the bank but should not result in a loss to the bank's customers.

Unauthorized access to your funds may be covered by the Electronic Funds Transfer Act and other consumer protections. If a third party somehow gains access to your account and transacts business you did not authorize, you must contact the bank as soon as you notice the loss to learn about their procedures for protecting your rights.

How to File a Complaint

If you have a problem or a concern with a deposit or investment, try to resolve your complaint directly with an officer of the bank or firm before involving an outside agency. Financial institutions value their customers and most will be helpful. If you are unable to resolve the matter with the financial institution, use the following guidelines to determine where to direct your complaint.

If your complaint is against a salesperson who represents a third-party investment firm, call the number below for instructions on where to write:

The Financial Industry Regulatory Authority (www.finra.org)
(formerly the National Association of Securities Dealers)
(301) 590-6500

If your complaint or inquiry is about a specific financial product or investment, contact:

contains the following clause: "If any person, through temptation or melancholy, shall destroy himself, his estate, real and personal, shall, notwithstanding, (descend to his wife and children, or relations, as if he had died a natural death."

FELON, crimes. One convicted and sentenced for a felony.

2. A felon is infamous, and cannot fill any office, or become a witness in any case, unless pardoned, except in cases of absolute necessity, for his own preservation, and defence; as, for example, an affidavit in relation to the irregularity of a judgment in a cause in which he is a party. 2 Salk. R. 461; 2 Str. 1148; Martin's R. 25; Stark. Ev. part 2, tit. Infamy. As to the effect of a conviction in one state, where the witness is offered in another, see 17 Mass. R. 515 2 Harr. & McHen. R. 120, 378; 1 Harr. & Johns. R. 572. As to the effect upon a copartnership by one of the partners becoming a felon, see 2 Bouv. Inst. n. 1493.

FELONIOUSLY, pleadings. This is a technical word which must be introduced into every indictment for a felony, charging the offence to have been committed feloniously; no other word, nor any circumlocution, will supply its place. Com. Dig. Indictment, G 6; Bac. Ab. Indictment, G 1; 2 Hale, 172, 184; Hawk. B. 2. c. 25, s. 55 Cro. C. C. 37; Burn's Just. Indict. ix.; Williams' Just. Indict. iv.-, Cro. Eliz. 193; 5 Co. 121; 1 Chit. Cr. Law, 242.

FELONY, crimes. An offence which occasions a total forfeiture of either lands or goods, or both, at common law, to which capital or other punishment may be super-added, according to the degree of guilt. 4 Bl. Com, 94, 5; 1 Russ. Cr. *42; 1 Chit. Pract. 14; Co. Litt. 391; 1 Hawk. P. C. c. 37; 5 Wheat. R. 153, 159.

FEMALE. This term denotes the sex which bears young.

2. It is a general rule, that the young of female animals which belong to us, are ours, nam fetus ventrem sequitur. Inst. 2, 1, 19; Dig. 6, 1, 5, 2. The rule is, in general, the same with regard to slaves; but when a female slave comes into a free state, even without the consent of her master, and is there delivered of a child, the latter is free. Vide Feminine; Gender; Masculine.

FEME, or, more properly,

FEMME. Woman.

2. This word is frequently used in law. Baron and feme, husband and wife; feme covert, a married woman; feme sole, a single woman.

3. A feme covert, is a married woman. A feme covert may sue and a feme sole, when the husband is civiliter mortuus. Bac. Ab. Baron Actions, part 1, section 1, §7, n. 3; or where, as it has been decided i

Att. #37

18 U.S. Code § 241. Conspiracy against rights

U.S. Code Notes

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90-284, title I, § 103(a), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100-690, title VII, § 7018(a), (b)(1), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103-322, title VI, § 60006(a), title XXXII, §§ 320103(a), 320201(a), title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104-294, title VI, §§ 604(b)(14)(A), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

Att. #38

18 U.S. Code § 242. Deprivation of rights under color of law

U.S. Code Notes

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90-284, title I, § 103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100-690, title VII, § 7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103-322, title VI, § 60006(b), title XXXII, §§ 320103(b), 320201(b), title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104-294, title VI, §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

Att. #39

18 U.S. Code § 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

U.S. Code Notes

(a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

(Added Pub. L. 106-386, div. A, § 112(a)(2), Oct. 28, 2000, 114 Stat. 1487; amended Pub. L. 110-457, title II, § 222(b)(4), Dec. 23, 2008, 122 Stat. 5069.)

Att. #40

1033. KIDNAPPING—18 U.S.C. §§ 1201, 1202

Conviction for the offense of kidnapping requires proof of transportation in interstate commerce, of an unconsenting person, who is held for ransom or reward or otherwise, where the accused's acts were knowingly and willfully committed. See *United States v. Osborne*, 68 F.3d 94 (5th Cir. 1995). See also *United States v. Crosby*, 713 F.2d 1066 (5th Cir.); cert. denied, 464 U.S. 1001 (1983). Proof is not required that the accused carried out the kidnapping for personal financial gain. See *United States v. Childress*, 26 F.3d 498 (4th Cir. 1994), cert. denied, ___ U.S. ___, 115 S. Ct. 1115 (1995). Situations falling within the "or otherwise" language of the statute have included those where the purpose of the kidnapping was to silence a potential witness, see *United States v. Satterfield*, 743 F.2d 827 (11th Cir. 1984), on remand, 599 F. Supp. 958, cert. denied, 471 U.S. 1117 (1985), and kidnapping for the purpose of sexual gratification, see *United States v. McBryar*, 553 F.2d 433 (5th Cir.), cert. denied, 434 U.S. 862 (1977). Section 2A4.1 of the United States Sentencing Commission's guidelines governs kidnapping offenses.

[cited in JM 9-60.100]

◀ 1032. Sentencing Enhancement—"Three Strikes"
Law

UP

1034. Kidnapping—Federal Jurisdiction ▶

Updated January 21, 2020

Att. #41

18 U.S. Code § 1621. Perjury generally

U.S. Code Notes

Whoever—

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

(June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

Att. #42

18 U.S. Code § 2382. Misprision of treason

U.S. Code Notes

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

(June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

Att. #43

18 U.S. Code § 4. Misprision of felony

U.S. Code	Notes
	<p>Whoever, <u>having knowledge of the actual commission of a felony</u> cognizable by a <u>court of the United States</u>, <u>conceals</u> and does not as soon as possible make known the same to <u>some judge or other person in civil or military authority under the United States</u>, <u>shall be fined under this title or imprisoned not more than three years, or both.</u></p> <p>(June 25, 1948, ch. 645, <u>62 Stat. 684</u>; Pub. L. 103-322, title XXXIII, <u>§ 330016(1)(G)</u>, Sept. 13, 1994, <u>108 Stat. 2147.</u>)</p>

Att. #44

18 U.S. Code § 2381.Treason

U.S. Code	Notes
<u>18 U.S.C. § 2381</u>	<p>Whoever, <u>owing allegiance to the United States, levies war against them</u> or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, <u>is guilty of treason and shall suffer death</u>, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and <u>shall be incapable of holding any office under the United States.</u></p> <p>(June 25, 1948, ch. 645, <u>62 Stat. 807</u>; Pub. L. 103-322, title XXXIII, <u>§ 330016(2)(J)</u>, Sept. 13, 1994, <u>108 Stat. 2148.</u>)</p>

Att. #45

18 U.S. Code § 371. Conspiracy to commit offense or to defraud United States

U.S. Code	Notes
	<p>If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.</p> <p>If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.</p> <p>(June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)</p>

Att. #46

25 CFR § 11.411 - Criminal trespass.

CFR

§ 11.411 Criminal trespass.

(a) A person commits an offense if, knowing that he or she is not licensed or privileged to do so, he or she enters or surreptitiously remains in any building or occupied structure. An offense under this subsection is a misdemeanor if it is committed in a dwelling at night. Otherwise it is a petty misdemeanor.

(b) A person commits an offense if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(3) Fencing or other enclosure manifestly designed to exclude intruders.

(c) An offense under this section constitutes a petty misdemeanor if the offender defies an order to leave personally communicated to him or her by the owner of the premises or other authorized person. Otherwise it is a violation.

Att. #47

Tenn. Code Ann. § 39-13-101**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 39 Criminal Offenses Chapter 13 Offenses Against Person Part 1 Assaultive Offenses**39-13-101. Assault.****(a)** A person commits assault who:

- (1)** Intentionally, knowingly or recklessly causes bodily injury to another;
- (2)** Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or
- (3)** Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

(b)**(1)** Assault under:**(A)** Subdivision (a)(1) is a Class A misdemeanor, punishable by incarceration and a fine not to exceed fifteen thousand dollars (\$15,000);**(B)** Subdivision (a)(2) is a Class A misdemeanor; and**(C)** Subdivision (a)(3) is a Class B misdemeanor.**(2)** Any conduct by an inmate against a correctional officer, guard, jailer, or other full-time employee of a penal institution, local jail, or workhouse, that would constitute an assault under subdivision (a)(1) shall be reported by the managing authority of the institution to the appropriate district attorney general for prosecution.**(3)** In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a domestic abuse victim as defined in § 36-3-601, and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), then the court shall impose a fine at the level of the defendant's ability to pay, but no less than one hundred dollars (\$100) and not in excess of two hundred dollars (\$200). The additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer, who shall credit the fine to the general fund. All fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to § 67-4-411.**(c)** For purposes of this section and § 39-13-102, "health care provider" means a person who is licensed, certified or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business in the practicing of a profession.**Att. #48**

Tenn. Code Ann. § 39-13-102**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 39 Criminal Offenses Chapter 13 Offenses Against Person Part 1 Assaultive Offenses**39-13-102. Aggravated assault.****(a)****(1)** A person commits aggravated assault who:**(A)** Intentionally or knowingly commits an assault as defined in § 39-13-101, and the assault:**(i)** Results in serious bodily injury to another;**(ii)** Results in the death of another;**(iii)** Involved the use or display of a deadly weapon; or**(iv)** Involved strangulation or attempted strangulation; or**(B)** Recklessly commits an assault as defined in § 39-13-101(a)(1), and the assault:**(i)** Results in serious bodily injury to another;**(ii)** Results in the death of another; or**(iii)** Involved the use or display of a deadly weapon.**(2)** For purposes of subdivision (a)(1)(A)(iv), "strangulation" means intentionally or knowingly impeding normal

breathing or circulation of the blood by applying pressure to the throat or neck or by blocking the nose and mouth of another person, regardless of whether that conduct results in any visible injury or whether the person has any intent to kill or protractedly injure the victim.

(b) A person commits aggravated assault who, being the parent or custodian of a child or the custodian of an adult, intentionally or knowingly fails or refuses to protect the child or adult from an aggravated assault as defined in subdivision (a)(1) or aggravated child abuse as defined in § 39-15-402.**(c)** A person commits aggravated assault who, after having been enjoined or restrained by an order, diversion or probation agreement of a court of competent jurisdiction from in any way causing or attempting to cause bodily injury or in any way committing or attempting to commit an assault against an individual or individuals, intentionally or knowingly attempts to cause or causes bodily injury or commits or attempts to commit an assault against the individual or individuals.**(d)** [Deleted by 2018 amendment.]**(e)****(1)****(A)** Aggravated assault under:**(i)** [Deleted by 2018 amendment.]**(ii)** Subdivision (a)(1)(A)(i), (iii), or (iv) is a Class C felony;**(iii)** Subdivision (a)(1)(A)(ii) is a Class C felony;**(iv)** Subdivision (b) or (c) is a Class C felony;**(v)** Subdivision (a)(1)(B)(i) or (iii) is a Class D felony;**(vi)** Subdivision (a)(1)(B)(ii) is a Class D felony.**(B)** However, the maximum fine shall be fifteen thousand dollars (\$15,000) for an offense under subdivision (a)(1)(A) or (a)(1)(B), or subsection (c), committed against any of the following persons who are discharging or attempting to**Att. #49**

Tenn. Code Ann. § 39-14-405**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 39 Criminal Offenses Chapter 14 Offenses Against Property Part 4 Burglary and Related Offenses**39-14-405. Criminal trespass.**

(a) A person commits criminal trespass if the person enters or remains on property, or any portion of property, without the consent of the owner. Consent may be inferred in the case of property that is used for commercial activity available to the general public or in the case of other property when the owner has communicated the owner's intent that the property be open to the general public.

(b) It is a defense to prosecution under this section that:

(1) A person entered or remained on property that the person reasonably believed to be property for which the owner's consent to enter had been granted;

(2) The person's conduct did not substantially interfere with the owner's use of the property; and

(3) The person immediately left the property upon request.

(c) The defenses to prosecution set out in subsection (b) shall not be applicable to a person violating this section if the property owner:

(1) Posts the property with signs that are visible at all major points of ingress to the property being posted and the signs are reasonably likely to come to the attention of a person entering the property; or

(2) Places identifying purple paint marks on trees or posts on the property; provided, that at least one (1) sign is posted at a major point of ingress to the property in a manner that is reasonably likely to come to the attention of a person entering the property and that the sign includes language describing that the use of purple paint signifies "no trespassing." If purple paint is used, then purple paint must be vertical lines of not less than eight inches (8") in length and not less than one inch (1") in width; placed so that the bottom of the mark is not less than three feet (3') or more than five feet (5') from the ground; and placed at locations that are reasonably likely to come to the attention of a person entering the property.

(d) For purposes of this section, "enter" means intrusion of the entire body or when a person causes an unmanned aircraft to enter that portion of the airspace above the owner's land not regulated as navigable airspace by the federal aviation administration.

(e) Entering or remaining on railroad or utility right-of-way property by an adjoining landowner for usual and customary activities of the type defined in §§ 1-3-105(a)(2)(A)(i) and (ii), (B) and (C) and 43-1-113(a), (b)(1)(A) and (B), (b)(2) and (b)(3) shall not be considered trespass under this section. This subsection (e) shall not apply if the railroad or utility right-of-way owner, by a personal communication or posting at the site by someone with either actual authority or apparent authority to act for the railroad or utility right-of-way owner, has communicated to the adjoining landowner that the activity is not permitted.

(f)

(1) The secretary of state shall establish a no trespass public notice list identifying employers in this state who have requested established private property rights to be recognized and recorded against a trespasser under subsection (a).

(2) To be included on the list, an employer shall provide to the secretary of state information that establishes the employer's private property rights, including the address at which the property is located.

Att. #50

Tenn. Code Ann. § 39-11-614**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 39 Criminal Offenses Chapter 11 General Provisions Part 6
Justification Excluding Criminal Responsibility

39-11-614. Protection of property.

(a) A person in lawful possession of real or personal property is justified in threatening or using force against another, when and to the degree it is reasonably believed the force is immediately necessary to prevent or terminate the other's trespass on the land or unlawful interference with the property.

(b) A person who has been unlawfully dispossessed of real or personal property is justified in threatening or using force against the other, when and to the degree it is reasonably believed the force is immediately necessary to reenter the land or recover the property, if the person threatens or uses the force immediately or in fresh pursuit after the dispossession:

(1) The person reasonably believes the other had no claim of right when the other dispossessed the person; and

(2) The other accomplished the dispossession by threatening or using force against the person.

(c) Unless a person is justified in using deadly force as otherwise provided by law, a person is not justified in using deadly force to prevent or terminate the other's trespass on real estate or unlawful interference with personal property.

Att. #51

9/28/2020

TENNESSEE CODE UNANNOTATED CUI|| PAW Document Page

Tenn. Code Ann. § 40-6-103

Copy Citation

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated **Title 40 Criminal Procedure** **Chapter 6 Warrants** **Part 1 Search Warrants**

40-6-103. Probable cause and affidavit.

A search warrant can only be issued on probable cause, supported by affidavit, naming or describing the person, and particularly describing the property, and the place to be searched.

Att. #52

Tenn. Code Ann. § 40-6-104**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 40 Criminal Procedure Chapter 6 Warrants Part 1 Search Warrants**40-6-104. Examination of complainant.**

The magistrate, before issuing the warrant, shall examine on oath the complainant and any witness the complainant may produce, and take their affidavits in writing, and cause them to be subscribed by the persons making the affidavits. The affidavits must set forth facts tending to establish the grounds of the application, or probable cause for believing the grounds exist.

Att. #53

Tenn. Code Ann. § 40-6-208

Copy Citation

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated **Title 40 Criminal Procedure** **Chapter 6 Warrants** **Part 2 Arrest Warrants**

40-6-208. Contents of warrant.

- (a) The warrant should specify the name of the defendant, but if it is unknown to the magistrate, the defendant may be designated in the warrant by any name.
- (b) It should also state the offense either by name, or so that it can be clearly inferred.
- (c) It should also show, in some part, the county in which issued, the name and initials of the magistrate in office.
- (d) The warrant shall include a copy of the affidavit of complaint.

Att. #54

Tenn. Code Ann. § 40-6-216**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated **Title 40 Criminal Procedure** **Chapter 6 Warrants** **Part 2 Arrest Warrants**

40-6-216. Copies of warrants.

(a) A criminal defendant or such defendant's attorney shall have the right to request and receive at a reasonable time a copy of any warrant or summons issued pursuant to this part that is served upon the defendant.

(b) Any agency, department or employee or agent of an agency or department who knowingly refuses to provide a copy of the warrant of arrest or summons to a defendant or the defendant's attorney within a reasonable time upon being requested to do so may be in contempt of the court issuing the warrant or summons. In addition to the punishment for contempt, the agency or department shall be required to pay all attorney fees and court costs reasonably incurred by the defendant or the defendant's attorney in obtaining a copy of the warrant or summons.

Att. #55

Tenn. Code Ann. § 47-1-101

Copy Citation

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated Title 47 Commercial Instruments And Transactions Chapter 1
Uniform Commercial Code — General Provisions Part 1 General Provisions

47-1-101. Short title.

(a) Chapters 1-9 of this title shall be known and may be cited as the Uniform Commercial Code.

(b) This chapter shall be known and may be cited as the "Uniform Commercial Code — General Provisions."

Att. #56

Tenn. Code Ann. § 47-1-103**Copy Citation**

Current through the 2020 Regular Session.

TN - Tennessee Code Annotated **Title 47 Commercial Instruments And Transactions** **Chapter 1**
Uniform Commercial Code — General Provisions **Part 1 General Provisions**

47-1-103. Construction of chapters 1-9 to promote their purposes and policies — Applicability of supplemental principles of law.

(a) Chapters 1-9 of this title must be liberally construed and applied to promote its underlying purposes and policies, which are:

- (1) To simplify, clarify, and modernize the law governing commercial transactions;
- (2) To permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and
- (3) To make uniform the law among the various jurisdictions.

(b) Unless displaced by the particular provisions of chapters 1-9 of this title, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating cause supplement its provisions.

(c) In any dispute as to the proper construction of one (1) or more sections of chapters 1-9 of this title, the Official Comments pertaining to the corresponding sections of the **Uniform Commercial Code, Official Text, as adopted by the National Conference of Commissioners on Uniform State Laws and the American Law Institute and as in effect on July 1, 2013, in this state,** shall constitute evidence of the purposes and policies underlying such sections, unless:

- (1) The sections of chapters 1-9 of this title that are applicable to the dispute differ materially from the sections of the Official Text that would be applicable thereto; or
- (2) The Official Comments are inconsistent with the plain meaning of the applicable sections of chapters 1-9 of this title.

Att. #57

Report *of the* **Commission on** **Unalienable Rights**

Att. #58.1

"For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support."

George Washington, Letter to the Jews of Newport, 1790

its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

In the American constitutional tradition, this right of the people to alter or abolish government is both essential and highly restricted. If, as Jefferson writes, "a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism," then it is the people's "right, it is their duty, to throw off such Government, and to provide new Guards for their future security." Only, however, in the extreme and dire circumstance in which a government has lost its legitimacy by systematic conduct that denies the very idea of unalienable rights are citizens released from the limitations to which they agreed to be bound as members of a free society and justified in establishing a new form of government to secure their rights.

The aim must always be to restore political society. The civil liberty that political society makes possible — the rights to travel to enter contracts and agreements; to possess, use, purchase, and dispose of property; to the protection of person and property; to the equal application of criminal laws; and to fair and equal treatment in court — enables individuals to live safely in their families and communities and to enjoy their unalienable rights.

Foremost among the unalienable rights that government is established to secure, from the founders' point of view, are property rights and religious liberty. A political society that destroys the possibility of either loses its legitimacy.

For the founders, property refers not only to physical goods and the fruit of one's labor but also encompasses

life, liberty, and the pursuit of happiness. They assumed, following philosopher John Locke, that the protection of property rights benefits all by increasing the incentive for producing goods and delivering services desired by others.

The benefits of property rights, though, are not only pecuniary. Protection of property rights is also central to the effective exercise of positive rights and to the pursuit of happiness in family, community, and worship. Without the ability to maintain control over one's labor, goods, land, home, and other material possessions, one can neither enjoy individual rights nor can society build a common life. Moreover, the choices we make about what and how to produce, exchange, distribute, and consume can be tightly bound up with the kinds of human beings we wish to become. Not least, the right of private property sustains a sphere generally off limits to government, a sphere in which individuals, their families, and the communities they form can pursue happiness in peace and prosperity.

The importance that the founders attached to private property only compounds the affront to unalienable rights involved at America's founding in treating fellow human beings as property. It also explains why many abolitionists thought that owning property was a necessary element of emancipation: only by becoming property-owning citizens could former slaves exercise economic independence and so fully enjoy their unalienable rights.

Religious liberty enjoys similar primacy in the American political tradition — as an unalienable right, an enduring limit on state power, and a protector of seedbeds of civic virtues. In 1785, James Madison gave classic expression to

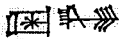
Att. #58.2

NATURAL LAW AND
ENLIGHTENMENT CLASSICS

The Law of Nations,
Or, Principles of the Law of Nature,
Applied to the Conduct and Affairs
of Nations and Sovereigns, with Three
Early Essays on the Origin and Nature
of Natural Law and on Luxury

Emer de Vattel

Edited and with an Introduction
by Béla Kapossy and Richard Whatmore



LIBERTY FUND

Indianapolis

Att. #59.1

resolved to submit to the authority of a monarch,—those citizens who are more jealous of that privilege, so invaluable to those who have tasted it,—though obliged to suffer the majority to do as they please,—are under no obligation at all to submit to the new government: they may quit a society which seems to have dissolved itself in order to unite again under another form: they have a right to retire elsewhere, to sell their lands, and take with them all their effects.

Here again a very important question presents itself. It essentially belongs to the society to make laws both in relation to the manner in which it desires to be governed, and to the conduct of the citizens:—this is called the *legislative power*. The nation may intrust the exercise of it to the prince, or to an assembly; or to that assembly and the prince jointly; who have then a right to make new laws and to repeal old ones. It is asked whether their power extends to the fundamental laws,—whether they may change the constitution of the state?

§34. Of the legislative power, and whether it can change the constitution.

The principles we have laid down lead us to decide with certainty, that the authority of these legislators does not extend so far, and that they ought to consider the fundamental laws as sacred, if the nation has not, in very express terms,

given them power to change them. For the constitution of the state ought to possess stability: and since that was first established by the nation, which afterwards intrusted certain persons with the legislative power, the fundamental laws are excepted from their commission. It is visible that the society only intended to make provision for having the state constantly furnished with laws suited to particular conjunctures, and, for that purpose, gave the legislature the power of abrogating the ancient civil and political laws that were not fundamental, and of making new ones: but nothing leads us to think that it meant to submit the constitution itself to their will. In short, it is from the constitution that

those legislators derive their power: how then can they change it, without destroying the foundation of their own authority?

By the fundamental laws of England, the two houses of parliament, in concert with the king, exercise the legislative power: but if the two houses should resolve to suppress themselves, and to invest the king with full and absolute authority, certainly the nation would not suffer it. And who would dare to assert that they would not have a right to oppose it? But if the

Att. #59.2

741 F.2d 336

James C. TREZEVANT, Plaintiff-Appellant,
v.

CITY OF TAMPA, a municipal corporation, et al.,

Defendants-Appellees.

James C. TREZEVANT, Plaintiff-Appellee,

v.

CITY OF TAMPA, a municipal corporation, Hillsborough County
Board of Criminal Justice, et al., Defendants-Appellants.

Nos. 83-3370, 83-3038.

United States Court of Appeals,
Eleventh Circuit.

Sept. 6, 1984.

Robert V. Williams, Tampa, Fla., for James C. Trezevant.

Chris W. Altenbernd, Tampa, Fla., for defendants-appellees in No. 83-3370.

Bernard C. Silver, Asst. City Atty., Tampa, Fla., City of Tampa.

Donald G. Greiwe, Chris W. Altenbernd, Tampa, Fla., for Hillsborough County Bd. of Criminal Justice.

Appeals from the United States District Court for the Middle District of Florida.

Before FAY, VANCE and HATCHETT, Circuit Judges.

FAY, Circuit Judge:

1

In Florida a motorist who receives a traffic citation may sign a promise to appear or post a bond pending court disposition. Mr. Trezevant elected to post a bond, had the necessary cash with him to do so, but found himself in a holding cell behind bars. Feeling that such a procedure deprived him of his civil rights (to remain at liberty), he brought this action. The jury agreed with his contentions and we affirm.

2

This matter was tried before the Honorable William J. Castagna, United States District Court, Middle District of Florida, beginning on October 20, 1983. The amended complaint then before the trial court contained four counts. Count I charged that the City of Tampa and Officer Eicholz deprived Mr. Trezevant of his civil rights by improperly arresting him. Count II similarly charged the Hillsborough County Board of Criminal Justice ("HBCJ") and Deputy Edwards with improperly incarcerating Mr. Trezevant. Counts III and IV were included as pendent common law and state law claims against the same defendants. Count III was voluntarily dismissed by the plaintiff and Count IV was disposed of on a motion for directed verdict against the plaintiff. The jury returned a verdict of \$25,000 in favor of the plaintiff and against the HCBJ and the City of Tampa. The individual defendants were absolved of all liability.

3

The case is now before this court on cross appeals pursuant to 28 U.S.C. Sec. 1291. Mr. Trezevant has appealed the amount of attorney's fees awarded to him and the City of Tampa and the HBCJ have appealed the judgment against them. The parties have raised multiple issues on appeal but we find that a determination of three is dispositive of the entire matter. These three issues are whether the evidence supports the verdict rendered by the jury; whether the amount of the verdict rendered is excessive; and whether the trial court erred in the amount of attorney's fees awarded pursuant to 42 U.S.C. Sec. 1988.

FACTS

4

Att. #60.1

On the morning of April 23, 1979, the plaintiff, James C. Trezevant, was en route from his home in northwest Hillsborough County to his office in central Tampa. When he reached the intersection of Habana Avenue and Columbus Drive he stopped for a red light, he was third in line at the intersection. When the light changed, Mr. Trezevant and the two cars in front of him proceeded through the intersection. Just south of the intersection the other two cars came to a sudden stop and turned into a parking lot. In order to avoid a collision, Mr. Trezevant came to a screeching halt. Having avoided an accident, he then proceeded on. Six or seven blocks later, Mr. Trezevant was stopped by Officer Eicholz of the Tampa police department and was issued a citation for reckless driving.² Officer Eicholz explained to Mr. Trezevant that if Trezevant did not sign the citation he would have to post a bond. Mr. Trezevant elected to go to central booking and post a bond.

5

Central booking has two entrances. In 1979, one of the entrances was used by bail bondsmen and lawyers to post bail bonds. Through a series of halls, this entrance leads to a glass window adjacent to the central booking desk. The only other entrance was used by policemen who were taking arrestees to be booked. This second entrance opened into a large room adjacent to the booking desk. Officer Eicholz escorted Mr. Trezevant to central booking and when they arrived he frisked Mr. Trezevant and took him through the door normally used by policemen with arrestees in custody. Officer Eicholz walked up to the central booking desk and presented the jailer on duty with Mr. Trezevant and with the citations that Mr. Trezevant had refused to sign. The jailer took Mr. Trezevant's valuables and his belt and shoes and placed Mr. Trezevant in a holding cell until he could be processed. Mr. Trezevant was in the holding cell for a total of twenty-three minutes.

6

Mr. Trezevant always had enough cash to bond himself out. No one ever told Mr. Trezevant what he was being incarcerated for; he was not allowed to call an attorney before he was incarcerated; and, he was incarcerated with other persons who were under arrest for criminal violations. Further, while he was being held in the holding cell, Mr. Trezevant suffered severe back pain and his cries for medical assistance were completely ignored.

7

Mr. Trezevant's complaint centers around the fact that he was incarcerated for a civil infraction. It is true that because Mr. Trezevant could not produce his vehicle registration he could have been arrested. However, it is also true that no one ever thought that Mr. Trezevant was not the owner of the car he was driving. The only reason that he was escorted to central booking was that he had elected to post a bond for the civil infraction of reckless driving. Officer Eicholz consistently maintained that he did not arrest Mr. Trezevant.

SUFFICIENCY OF THE EVIDENCE

8

The City of Tampa and the HBCJ contend that the trial court erred in failing to grant a directed verdict in their favor. A directed verdict decides contested substantive issues as a matter of law, thus we apply the same standard as was applied by the district court:

9

Courts view all the evidence, together with all logical inferences flowing from the evidence, in the light most favorable to the non-moving party....

10

"... [I]f there is substantial evidence opposed to the motions, that is, evidence of such quality and weight that reasonable and fair-minded men in the exercise of impartial judgment might reach different conclusions, the motion should be denied, and the case submitted to the jury."

11

Neff v. Kehoe, 708 F.2d 639 (11th Cir.1983) (quoting Boeing Co. v. Shipman, 411 F.2d 365 (5th Cir.1969)).

12

Applying this standard to the case at bar, the City of Tampa and HBCJ would have caused the deprivation of the plaintiff's rights. They would each have us look at the Tampa contends that Officer Eicholz properly escorted Mr. Trezevant to central l The City argues that once Officer Eicholz reached the booking desk and handed t

Att. #60.2

ng.
solved

For the reasons stated, we find that the jury verdict was supported by sufficient evidence; the verdict was not excessive; and, the trial court did not abuse its discretion in setting the attorney fee award. Accordingly, the judgment of the district court is **AFFIRMED**.

1

This ruling has not been appealed

2

Officer Eicholz issued a total of three citations: (1) reckless driving, (2) failure to produce a motor vehicle registration certificate, and (3) refusal to sign a traffic citation. The parties agreed that the third citation was a nullity there being no such offense

3

Some confusion surrounds the three citations. The jury could have concluded that Officer Eicholz had not completed the citations until after Mr. Trezevant was placed in the holding cell. The check showing that Mr. Trezevant had been arrested was apparently a mistake

4

The City of Tampa was one member of the group that supervised the HBCJ

5

Decisions of the United States Court of Appeals for the Fifth Circuit handed down prior to the close of business on September 30, 1981, are binding as precedent in the Eleventh Circuit. *Bonner v. City of Prichard, Ala.*, 661 F.2d 1206 (11th Cir.1981). *Del Casal* was decided on January 16, 1981, and, so, is binding precedent in the Eleventh Circuit

Att. #60.3

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RANDALL BEANE,

Defendant.

Case No.: 3:17-CR-82

PROCEEDINGS
BEFORE THE HONORABLE C. CLIFFORD SHIRLEY, JR.

August 29, 2017
2:36 p.m. to 3:25 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

CYNTHIA F. DAVIDSON, ESQUIRE
ANNE-MARIE SVOLTO, ESQUIRE

Assistant United States Attorney
United States Department of Justice
Office of the United States Attorney
800 Market Street
Suite 211
Knoxville, Tennessee 37902

FOR THE DEFENDANT:

BOBBY E. HUTSON, JR., ESQUIRE
Federal Defender Services of
Eastern Tennessee, Inc.
800 South Gay Street
Suite 2400
Knoxville, Tennessee 37929-9714

Att. #61.1

REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
(865) 210-6698
800 Market Street, Suite 130
Knoxville, Tennessee 37902

1 the Court could give me a few moments -- a few moments to
2 discuss with him the implications.

3 THE COURT: I doubt that will have much effect on him.

4 MR. HUTSON: It may not.

5 THE COURT: He's got a litany he needs to say. I'm
6 used to this. I've had dozens of this.

7 MR. HUTSON: He also --

8 THE COURT: And he can keep coming back every few days,
9 say it. We'll keep doing it. Doesn't bother me. I'm here all
10 day every day.

11 MR. HUTSON: I understand, Your Honor. He is also
12 potentially going to want to request some type of detention

13 hearing or update.

14 THE COURT: We can't get started, we can't get to that.

15 MR. HUTSON: Correct, your Honor. And perhaps that may
16 alleviate some of these issues. I would be happy to take a
17 moment to talk to him, or we can reschedule for another day.

18 THE COURT: Well, I'll give you a couple minutes. I
19 just don't like your chances.

20 MR. HUTSON: Duly noted, Your Honor.

21 THE COURT: Okay. How much time you think you need?
22 Want to get -- want to have five minutes?

23 MR. HUTSON: Five minutes is fine, Your Honor.

24 THE COURT: All right. Why don't you make sure that
25 the sound is off so nobody's picking up a

UNITED STATES DISTRICT C

Att. #61.2

Doran, James J. (KX) (FBI)

From: Still, Parker H. (KX) (FBI)
Sent: Wednesday, July 12, 2017 3:27 PM
To: Doran, James J. (KX) (FBI)
Subject: FW: Randall Beane

From: Still, Parker H. (KX) (FBI)
Sent: Wednesday, July 12, 2017 1:33 PM
To: 'Brown, True' <True.Brown@usaa.com>
Subject: FW: Randall Beane

From: Brown, True [mailto:True.Brown@usaa.com]
Sent: Tuesday, July 11, 2017 5:33 PM
To: Still, Parker H. (KX) (FBI) <phstill@fbi.gov>
Subject: RE: Randall Beane

From: Brown, True
Sent: Tuesday, July 11, 2017 4:25 PM
To: 'parker.steill@ic.fbi.gov' <parker.steill@ic.fbi.gov>
Subject: FW: Randall Beane

From: Brown, True
Sent: Tuesday, July 11, 2017 4:20 PM
To: 'parker.steill@ic.fbi.gov' <parker.steill@ic.fbi.gov>
Subject: FW: Randall Beane

From: Brown, True
Sent: Tuesday, July 11, 2017 4:07 PM
To: 'parker.steill@ic.fbi.gov' <parker.steill@ic.fbi.gov>
Subject: Randall Beane

Parker

Att. #62.1

I was wondering if you could provide an update as to status of effort to secure the RV.

Also, this link was provided by Tom Grasso, a SSA in CIRFU which lays out the fraud scheme (of course he says it is legit and you are entitled to the money)

<https://www.youtube.com/watch?v=R6Kk6oAu3k0>

The link is to a YouTube video from the Intellectual Freedom Movement on "pay your bills using your secret account" – in the video the narrator (Harvey Dent) advises that everyone has a secret Social Security Trust Account which they can access to pay bills. The key is an indicator on your SSN card which will correspond to a specific Federal Reserve Bank; the account number is same as your SSN.

In regard to our member, Randall K Beane; the acquisition of the CDs; the member entered the routing number for the Federal Reserve Bank on NY and then for the account number entered his SSN (with one digit altered). The member's correct SSN per USAA records and confirmed with open source credit reports was 243-three nine-1135; entered on the funding instructions for the CDs was account 244threenine1135.

As far as the matter with our member, Randall Beane, the loss amount is at approximately \$500,000; in addition to the purchase of the RV, the member paid off several consumer loans and a credit card balance; all up totaling \$43,458. FCI is taking steps to have the payments reversed and loans and credit card debt placed back on the books. The RV purchase includes a wire transfer of \$493,110.68 and a debit card transaction of \$10,000 to Buddy Gregg Motor Home.

Again, we appreciate the assistance; pass on my regards to the McAllen crew. Hopefully they did not bring to many bad habits to Knoxville. We tried our best to clean them up before they left the Valley.

True

True Brown
Director, Financial Crimes Investigation

Enterprise Financial Crimes Management, Enterprise Security Group, USAA
9800 Fredericksburg Road, San Antonio, Texas 78288
Desk: (210) 498-0853
Cell: (210) 508-6594
True.Brown@usaa.com

Att. #62.2

Doran, James J. (KX) (FBI)

From: Still, Parker H. (KX) (FBI)
Sent: Wednesday, July 12, 2017 3:27 PM
To: Doran, James J. (KX) (FBI)
Subject: FW: Information request on arrest and RV

From: Still, Parker H. (KX) (FBI)
Sent: Wednesday, July 12, 2017 1:34 PM
To: 'Brown, True' <True.Brown@usaa.com>
Subject: FW: Information request on arrest and RV

From: Brown, True [mailto:True.Brown@usaa.com]
Sent: Wednesday, July 12, 2017 9:10 AM
To: Still, Parker H. (KX) (FBI) <phstill@fbi.gov>
Subject: Information request on arrest and RV

Parker

Now that the smoke has cleared a little; are you in a position to advise:
arrested/detained on

1. what charges Randall Beane was

2. Do you have any info on the RV such as the VIN (trying to get a pic for my management) – if I have VIN I can go to dealer website

3. Do you anticipate charging Beane on complaint

Again, thank you again for jumping on this matter. The quick actions taken has really impressed USAA Executive Management team. Makes me proud of the organization.

Let me know what additional information you need and we will pull it.

True

Att. #63

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

RANDALL KEITH BEANE, and
HEATHER ANN TUCCI-JARRAF

3:17-CR-82
Judges Varlan/Shirley

UNITED STATES OF AMERICA'S MOTION *IN LIMINE*
TO PROHIBIT JURISDICTION ARGUMENT

The United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, hereby respectfully requests under Federal Rule of Evidence 401, 402 and 403 that the Court grant its First Motion *in Limine* to prohibit evidence relating to this Court's jurisdiction. Defendants have asserted that this Court lacks jurisdiction and that the federal government is "defaulted" and therefore lacks any authority over the defendants or the proceedings in this case. Given the defendants' previous filings and assertions, the United States expects the defendants to advance these theories before the jury at trial. However, any evidence suggesting this Court lacks jurisdiction is irrelevant, confusing and misleading. Moreover, it is wrong. See 18 U.S.C. § 3231; *United States v. Pryor*, 842 F.3d 441 (6th Cir. 2016); (Doc. 62, Report and Recommendation, pg. 8-10; Doc. 69, Memorandum and Order Accepting R &R, pg. 5.) Accordingly, such testimony and evidence should be excluded pursuant to Rules 401, 402 and 403 of the Federal Rules of Evidence.

PROCEDURAL HISTORY

On July 18, 2017, a Grand Jury sitting in the Eastern District of Tennessee returned an Indictment charging Beane with five counts of wire fraud in violation of 18 U.S.C. § 1343 and one count of conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h); Tucci-

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL KEITH BEANE and
HEATHER ANN TUCCI-JARRAF,

Defendants.

No.: 3:17-CR-82-TAV-CCS

MEMORANDUM OPINION AND ORDER

This criminal case is before the Court on the government's Motion in Limine to Prohibit Jurisdictional Argument [Doc. 78]. This is the only motion in limine filed in this case, and the deadline for filing further motions in limine has now passed [Doc. 77 p. 2]. The Court held a final pretrial conference on January 12, at which the defendants requested additional time to review and respond to the government's motion. The Court granted this request and ordered the defendants to file any responses to the government's motion by January 16. Defendant Heather Ann Tucci-Jarraf has now filed a response brief [Doc. 86], as well as an additional filing that the Court likewise construes as a response [Doc. 81]. Defendant Randall Beane has not responded to the government's motion. For the reasons explained below, the Court will grant the government's motion in limine.

I. Standard of Review

"Motions in limine allow the Court to rule on evidentiary issues prior to trial in order to avoid delay and focus pertinent issues for the jury's consideration." *United States v.*

III. Conclusion

Accordingly, the Court hereby **GRANTS** the government's Motion in Limine to Prohibit Jurisdictional Argument [Doc. 78]. It is therefore **ORDERED** that the defendants are prohibited from offering any evidence, testimony, or argument at trial concerning the following subjects: (1) whether this Court has subject-matter jurisdiction over these proceedings; (2) whether the United States government is defaulted, has been foreclosed, or is otherwise legally impaired; and (3) whether the United States government has legal authority to bring a prosecution of the defendants for the charged offenses.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,
Plaintiff,

No. 3:17-cr-82-TAV-DCP

v.

RANDALL KEITH BEANE,
Defendant.

USAA FEDERAL SAVINGS BANK'S PETITION OF THIRD PARTY INTEREST

1. I, David True Brown Jr., am a Director of Financial Crimes Investigations for USAA. As part of my job duties, I am responsible for leading/coordinating internal investigations into member fraud, including fraud against USAA Federal Savings Bank ("USAA FSB"). In that role, I have reviewed the documents associated with the fraud perpetrated by Randall Keith Beane against USAA FSB.

2. As set out in the Indictment filed by the United States on July 18, 2017, (Doc. 3), and Preliminary Order of Forfeiture (Doc. 224), Defendant Randall Keith Beane ("the Defendant") fraudulently obtained at least \$553,749.99 from USAA FSB through bank fraud. The Defendant used a portion of the funds fraudulently obtained from USAA FSB to purchase a 2017 Integra Cornerstone 445B 45-foot diesel motorhome, VIN 4VZVU1E94HC082752 ("the Motorhome").

3. Tennessee state law governs USAA FSB's interest in the vehicle as a result of the Defendant's fraudulent acts. *See, e.g., United States v. Shefton*, 548 F.3d 1360, 1364 (11th Cir. 2008) ("[W]e apply state law to determine the nature of the [petitioner]'s interest in the Forfeited Property."). However, "whether the [petitioner]'s interest in the Forfeited Property is superior and

thus renders the forfeiture order invalid under [28 U.S.C.] § 853(n)(6) is a matter of federal law.”

Id.

4. Tennessee law imposes a constructive trust when a party “holds the legal right to property which he ought not” as a result of “fraud, actual or constructive, by duress or abuse of confidence, by commission of wrong, or by any form of unconscionable conduct, artifice, concealment, or questionable means.” *Central Bus Lines v. Hamilton Nat’l Bank*, 239 S.W.2d 583, 585 (Tenn. Ct. App. 1951). Further, a constructive trust may be placed on property where “the funds misappropriated [can] be traced into the specific property sought to be made the subject of the trust.” *McConnell v. Henochsberg*, 11 Tenn. App. 176, 187 (1929).

5. As established at the Defendant’s trial, and according to the records of USAA FSB, the funds used to purchase the Motorhome in question are directly traceable to those funds fraudulently obtained from USAA FSB by Defendant. On July 6, 2017, Defendant used a fictitious bank account number and Federal Reserve Bank routing number to fraudulently purchase jumbo Certificate of Deposits (CDs) from USAA FSB, proceeded to immediately liquidate the fraudulently acquired CDs, and then transferred the liquidated funds to his USAA FSB deposit account. On July 7, 2017, Defendant wire transferred \$493,110.68 in fraudulently obtained funds from his USAA FSB deposit account to an account at Whitney Bank belonging to a motorhome dealership in order to purchase the Motorhome from the dealership. Defendant purchased the Motorhome entirely with the fraudulently obtained funds and obtained possession of the Motorhome prior to his arrest and the Motorhome’s seizure. The dealership sold the Motorhome to Defendant in exchange for the wired funds that were fraudulently obtained from USAA FSB. As a result of the foregoing activity, all of the monies used to purchase the Motorhome are directly

Att. #65.2


traceable to Defendant's bank fraud against USAA FSB. Therefore, USAA FSB contends it should have a constructive trust over the Motorhome.

6. USAA FSB's constructive trust over the Motorhome constitutes a superior legal interest pursuant to 21 U.S.C. § 853(n). *See United States v. Campos*, 859 F.2d 1233, 1238 (6th Cir. 1988) (explaining in dicta that a constructive trust would constitute a superior legal interest under § 853(n)); *see also Shefton*, 548 F.3d at 1365 (holding that "a constructive trust, despite being an equitable remedy, constitutes a 'legal right, title, or interest in . . . property' under § 853(n)(6)(A)," which "can render a forfeiture order invalid pursuant to that subsection").

7. Accordingly, USAA FSB's legal interest in the Motorhome entitles USAA FSB to recover the Motorhome and manage any sale or disposition of the asset as it sees fit. If, however, USAA FSB is not awarded the Motorhome as requested, USAA FSB claims it is entitled to at least \$553,749.99 as part of this forfeiture action based on the fraudulently obtained proceeds.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the factual statements in the foregoing are true and correct. The legal arguments were provided by counsel.

Executed on this 24 day of September, 2018.


David True Brown Jr.
Director, Financial Crimes Investigations
On Behalf of USAA Federal Savings Bank

Att. #65.3

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

RANDALL KEITH BEANE

**3:17-CR-82
Judge Varlan**

MOTION FOR ENTRY OF PRELIMINARY ORDER OF FORFEITURE

The United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, and pursuant to Rule 32.2(b) of the Federal Rules of Criminal Procedure, moves this Court for the entry of a Preliminary Order of Forfeiture, and in support thereof, states as follows:

On July 18, 2017, an Indictment was filed charging the defendant, Randall Keith Beane, with wire fraud, bank fraud and conspiracy to launder money, in violation of 18 U.S.C. §§ 1343, 1344 and 1956(h) (Counts One through Seven). (Doc. 3, Indictment.) The United States included forfeiture allegations in the Indictment. (*Id.* at pg.7.)

The United States seeks forfeiture of the interest of the defendant in any property derived from or traceable to property derived from proceeds of the wire fraud and bank fraud violations and property involved in the commission of money laundering offense, as set forth in the Indictment, pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2). Specifically, the United States seeks to forfeit the defendant's interest in a 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN 4VZVU1E94HC082752 and a personal money judgment in favor of the United States and against the defendant for \$553,749.99 ("subject property"), such amount representing the proceeds the defendant personally obtained as a result of the defendant's criminal violations.

On February 1, 2018, after trial, a duly empaneled jury returned guilty verdicts against the defendant for violations of 18 U.S.C. §§ 1343, 1344 and 1956(h). (Doc. 119, Jury Verdict.)

Att. #66.1

By virtue of the conviction and the evidence produced at trial, the United States asks the Court to determine that the subject property be forfeited pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2), and that the United States has established the requisite nexus between the subject property and the offense pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

The evidence produced at trial demonstrates that the defendant purchased the 2017 Entegra motorhome with funds he obtained directly as a result of the defendant's criminal violations. (Doc. 165, Trial Tr. Volume IV, pgs. 175, 179, 195, 207.) The defendant admitted to purchasing over 30 jumbo certificates of deposit using a fictitious bank account number (*i.e.*, defendant's Social Security Number) and a routing number to the Federal Reserve. (*Id.* at pg. 179.) The defendant further admitted that he used the funds from those CDs to pay bills, purchase a truck from Ted Russell Ford and to buy the motorhome. (*Id.* at pgs. 179, 195, 207.) Thus, the motorhome is directly traceable to the defendant's fraud violations.

The money judgment amount, as alleged in the Indictment, is a conservative estimate of the funds the defendant obtained and used as a result of the fraudulent wire transfers. At trial, the evidence showed the defendant paid off four consumer loans, bought a truck (later returned) and the motorhome. (Doc. 162, Trial Tr. Vol I, pg. 123-124.) In total, the United States submits that the amount the defendant personally obtained as a result of the fraudulent purchase of the certificates of deposit was at least \$553,749.99.¹

Accordingly, it is now time for entry of a Preliminary Order of Forfeiture to direct the United States Marshals Service to secure custody of the properties and to begin the publication

¹ This amount is different from the restitution amount owed to the victim bank. This is because some of the payments the defendant made with the fraudulently obtained funds went directly to the victim bank to pay consumer loans the defendant had with the victim bank.

and notice process to all interested third parties in the case, pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1). To effectuate the procedural mandates of 21 U.S.C. § 853, a proposed Preliminary Order of Forfeiture is submitted to the Court.

Wherefore, the United States respectfully moves for entry of the proposed Preliminary Order of Forfeiture.

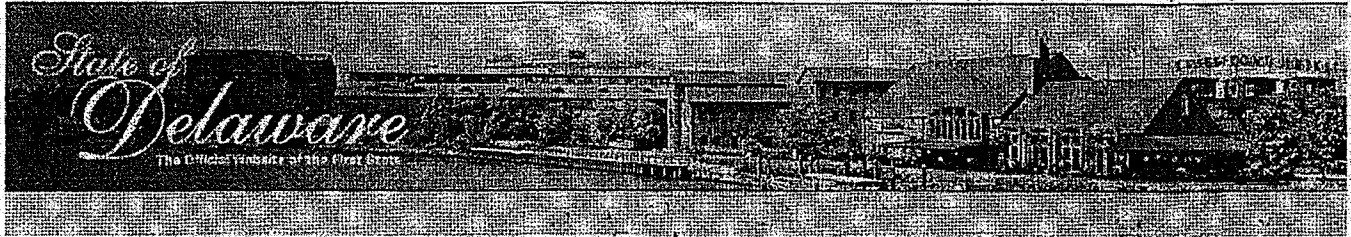
J. DOUGLAS OVERBEY
United States Attorney

By: s/Ane-Marie Svolto
ANNE-MARIE SVOLTO
Assistant United States Attorney
800 Market Street, Suite 211
Knoxville, Tennessee 3702
(865) 545-4167

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. All other parties will be served by regular U.S. mail. \

s/Ane-Marie Svolto
ANNE-MARIE SVOLTO
Assistant U.S. Attorney



Department of State: Division of Corporations

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	2193946	Incorporation Date/Formation Date:	4/19/1989 (mm/dd/yyyy)
Entity Name:	UNITED STATES OF AMERICA, INC.		
Entity Kind:	Corporation	Entity Type:	Exempt
Residency:	Domestic	State:	DELAWARE

REGISTERED AGENT INFORMATION

Name:	THE COMPANY CORPORATION		
Address:	251 LITTLE FALLS DRIVE		
City:	WILMINGTON	County:	New Castle
State:	DE	Postal Code:	19808
Phone:	302-636-5440		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

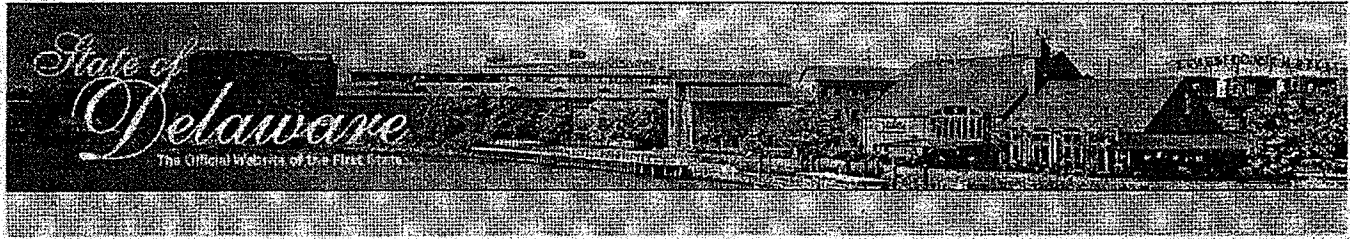
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Department of State: Division of Corporations

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number	4525682	Incorporation Date	4/14/2008 (mm/dd/yyyy)
Entity Name	THE UNITED STATES OF AMERICA, INC.		
Entity Kind	Corporation	Entity Type	General
Residency	Domestic	State	DELAWARE

REGISTERED AGENT INFORMATION

Name	SPIEGEL & UTRERA, P.A.		
Address	9 EAST LOOCKERMAN ST STE 202		
City	DOVER	County	Kent
State	DE	Postal Code	19901
Phone	302-744-9800		

Additional information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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Att. #68

OFFENCE, crimes. The doing that which a penal law forbids to be done, or omitting to do what it commands; in this sense it is nearly synonymous with crime. (q. v.) In a more confined sense, it may be considered as having the same meaning with misdemeanor, (q. v.) but it differs from it in this, that **it is not indictable**, but punishable summarily by the forfeiture of a penalty. 1 Chit. Prac. 14.

OFFER, contracts. A proposition to do a thing.

2. An offer ought to contain a right, if accepted, of compelling the fulfilment of the contract, and this right when not expressed, is always implied.

3. By virtue of his natural liberty, a man may change his will at any time, if it is not to the injury of another; he may, therefore, revoke or recall his offers, at any time before they have been accepted; and, in order to deprive him of this right, the offer must have been accepted on the terms in which it was made. 10 Ves. 438; 2 C. & P. 553.

4. Any qualification of, or departure from those terms, invalidates the offer, unless the same be agreed to by the party who made it. 4 Wheat. R. 225; 3 John. R. 534; 7 John. 470; 6 Wend. 103.

5. When the offer has been made, the party is presumed to be willing to enter into the contract for the time limited, and, if the time be not fixed by the offer, then until it be expressly revoked, or rendered nugatory by a contrary presumption. 6 Wend. 103. See 8 S. & R. 243; 1 Pick. 278; 10 Pick. 326; 12 John. 190; 9 Porter, 605; 1 Bell's Com. 326, 5th ed.; Poth. Vente, n. 32; 1 Bouv. Inst. n. 577, et seq.; and see Acceptance of contracts; Assent; Bid.

OFFICE. An office is a right to exercise a public function or employment, and to take the fees and emoluments belonging to it., Shelf. on Mortm. 797; Cruise, Dig. Index, h. t.; 3 Serg. & R. 149.

2. Offices may be classed into civil and military.

3. - 1. Civil offices may be classed into political, judicial, and ministerial.

4. - 1. The political offices are such as are not connected immediately with the administration of justice, or the execution of the mandates of a superior officer; the office of the president of the United States, of the heads of departments, of the members of the legislature, are of this number.

5. - 2. The judicial offices are those which relate to the administration of justice, and which must be exercised by persons of sufficient skill and experience in the duties which appertain to them.

6. - 3. Ministerial offices are those which give the officer no power to judge of the matter to be done, and require him to obey the mandates of a superior. 7 Mass. 280 - See 5 Wend. 170; 10 Wend. 514; 8 Verm. 512; Breese, 280. It is a general rule, that a judicial officer while a ministerial may.

Att. #69

and-have shore on either side of them. The latter, Viz. brecks of ports, are by a kind of civil denomination such. They are such, that though possibly for their extent and. situation they might be ports, yet they are either members of or dependent upon other ports. In England it began thus: the king, could not conveniently have a customer and comptroller in every port or haven. But these custom officers were fixed at some eminent port; and the smaller adjacent ports became by that means creeks, or appendants. of that where these custom officers were placed. 1 Chit. Com. Law, 726; Hale's Tract. de Portibus Maris, part 2, c. 1, vol. 1, p. 46; Com. Dig. Navigation, C; Callis, 34.

2. In a more popular sense, creek signifies a small stream, less than a river. 12 Pick. R. 184,

CRETION, civil law.. The acceptance of a succession. Cretion was an act made before a magistrate, by which an instituted heir, who was required to accept of the succession within a certain time, declares within that time that he accepted the succession. Clef des Lois Rom. h. t.

2. Cretion is also used to signify the term during which the heir is allowed to make his election to take or not to take the inheritance. It is so called, because the heir is allowed to see, cernere, examine, and decide. Gaii, lust. lib. 2, 164.

CREW. Those persons who are employed in the navigation of a vessel.

2. A vessel to be seaworthy must have a sufficient crew. 1 Caines, R. 32; 1 John. R. 184.

3. In general, the master or captain (q.v.) has the selection of the crew. Vide Muster roll; Seaman; Ship; Shipping articles.

CRIB-BITING. A defect in horses, which consists in biting the crib while in the stable: This is not, considered as a breach of general warranty of soundness. Holt's Cas. 630.

CRIER. An inferior officer of a court, whose duty it is to open and adjourn the court, when ordered by the judges; to make proclamations and obey the directions of the court in anything which concerns the administration of justice.

CRIME. A crime is an offence against a public law. This word, in its most general signification, comprehends all offences but, in its limited sense, it is confined to felony. 1 Chitty, Gen. Pr. 14.

2. The term misdemeanor includes every offence inferior to felony, but punishable by indictment or by-particular prescribed proceedings.

3. The term offence, also, may be considered as, having the same meaning, but is usually, by itself, understood to be a crime not indictable but punishable, summarily, or by the forfeiture of, a penalty. Burn's Just. Misdemeanor.

4. Crimes are defined and punished by statutes and by the common law. Most common law offences are as well known, and as precisely ascertained, as those which are defined by statutes; yet, from the difficulty of exactly defining and describing every act which ought to be punished, the vital and preserving principle has been adopted, that all immoral acts which tend to the prejudice of the community are punishable by courts of justice. 2 Swift's Dig.

5. Crimes are mala in se, or bad in themselves; and these include. all offer mala prohibita, bad because prohibited, as being against sound policy; wh

nt
Att. #70

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FILED

2017 JUL 18 P 5:29

UNITED STATES OF AMERICA

v.

RANDALL KEITH BEANE, and
HEATHER ANN TUCCI-JARRAF

No. 3:17-CR-82

Judges: Varlan/Shirley

INDICTMENT

The Grand Jury charges as follows:

COUNTS ONE THROUGH FIVE

Wire Fraud
(18 U.S.C. § 1343)

INTRODUCTION

Case No: 1:17-mj-531
Assigned To: Magistrate Judge Deborah A. Robinson
Date Assigned: 7/26/2017
Description: Arrest Warrant (Rule 40)

At all times relevant to this indictment:

1. United States Automobile Association ("USAA") is a financial institution insured by the Federal Deposit Insurance Corporation ("FDIC") with a home office in San Antonio, Texas. USAA offers products in the insurance, banking investing, real estate and retirement arenas.
2. Federal Reserve Bank in New York is a financial institution, located in New York, New York.
3. Whitney Bank is a FDIC insured financial institution with a home office in Louisiana.
4. The defendant, RANDALL KEITH BEANE, was a member and account holder at United States Automobile Association ("USAA").

Att. #71.1

Case 3:17-cr-00082-TAV-CCS *SEALED* Document 3 Filed 07/18/17 Page 1 of 8 PageID #: 3

Case 3:17-cr-00082-TAV-DCP Document 173-1 Filed 05/03/18 Page 68 of 77 PageID #: 17777

Case 3:17-cr-00082-TAV-DCP Document 276-4 Filed 11/03/21 Page 446 of 486 PageID #: 20793

5. The defendant, **RANDALL KEITH BEANE**, did not have an account ending in xxxxx-1135 at the Federal Reserve Bank.

6. All wire transfers discussed herein went through the Automated Clearing House and Fedwire.

7. **HEATHER ANN TUCCI-JARRAF**, is not a duly licensed attorney in the states of Tennessee and Washington authorized to represent others in legal matters.

THE SCHEME

8. In or around July 2017, **RANDALL KEITH BEANE**, and others known and unknown to the Grand Jury, embarked upon a scheme through which they sought to obtain and access funds that did not belong to them by exploiting the online banking options available through USAA.

9. The scheme involved the use of a valid routing number ending in xxxxx-1452, belonging to Federal Reserve Bank, and a fictitious bank account number ending in xxxxx-1135.

10. It was part of the scheme to make numerous attempts using the valid routing number and fictitious bank account number to purchase jumbo Certificates of Deposit ("CDs"), until a transfer was completed.

11. It was further part of the scheme to immediately liquidate the CDs and then transfer proceeds from the CDs to **BEANE'S** personal bank account to purchase assets and pay personal expenses with funds that did not belong to him, including the purchase of a 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome.

12. It was further part of the scheme that **HEATHER ANN TUCCI-JARRAF** purported to be **BEANE'S** attorney in order to induce, coerce and convince certain financial institutions to accept the fraudulently obtained funds for payment of a 2017 45B; 45 foot diesel motorhome.

Att. #71.2

MANNER AND MEANS

13. In furtherance of the scheme, and to accomplish the ends thereof, the defendant, **RANDALL KEITH BEANE**, and others known and unknown to the Grand Jury, used the following means, among others:

- a. Defendant **RANDALL KEITH BEANE** was a member and account holder at United States Automobile Association ("USAA");
- b. The defendant, **RANDALL KEITH BEANE**, did not hold an account ending in xxxxx-1135 at Federal Reserve Bank.
- c. The defendant, **RANDALL KEITH BEANE**, obtained from others known and unknown to the Grand Jury, the valid routing number of Federal Reserve Bank, that is routing number ending in xxxix-1452.
- d. The defendant, **RANDALL KEITH BEANE** used his mobile device to access his USAA account.
- e. The defendant, **RANDALL KEITH BEANE**, would and did conduct electronic financial transactions, including the purchase and attempted purchase of jumbo CDs through USAA, in which the defendant **RANDALL KEITH BEANE**, falsely represented the funding source by using a fictitious account number that is account number ending in xxxxx-1135.
- f. The vast majority of CDs the defendant, **RANDALL KEITH BEANE**, attempted to purchase through the scheme were returned as invalid because there was no valid account number entered. However, two CDs were funded by USAA bank and liquidated by the defendant, **RANDALL KEITH BEANE**, before the transaction.

Att. #71.3

g. The defendant, RANDALL KEITH BEANE, would and did use funds fraudulently acquired through the CD purchase scheme to make purchases for his own personal benefit to include the purchase of a 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome.

EXECUTION OF THE SCHEME

14. The allegations set forth in Paragraphs One through Thirteen are incorporated herein for reference for the purpose of alleging violations of 18 U.S.C. § 1343.

15. On or about the dates set forth below, within the Eastern District of Tennessee and elsewhere, the defendant, RANDALL KEITH BEANE, for the purposes of executing and attempting to execute the above-described scheme and artifice to defraud, purchased jumbo CDs with funds that did not belong to him by using routing numbers that did not belong to his accounts and fictitious bank accounts, and in so doing did knowingly transmit and cause to be transmitted, by means of wire communication in interstate commerce, signals and sounds including, without limitation the following:

COUNT	DATE	DESCRIPTION OF TRANSMISSION
1	7/6/2017	BEANE transferred funds he did not own, via wire, using Federal Reserve New York, routing number xxxxx-1452 and fictitious account number ending xxxxx-1135 to purchase CD number xxxxx-4613 in the amount of \$500,000.
2	7/6/2017	CD number xxxxx-4613 in the amount of \$500,000 was closed and funds in the amount of \$499,909.59 were transferred, via wire, to one of BEANE'S personal bank accounts at USAA, account number ending in xxxxx-3062.
3	7/6/2017	BEANE transferred funds he did not own, via wire, using Federal Reserve New York, routing number xxxxx-1452 and fictitious account number xxxxx-1135 to purchase CD number xxxxx-4623 in the amount of \$999,000.

Att. #71.4

COUNT	DATE	DESCRIPTION OF TRANSMISSION
4	7/6/2017	CD number xxxxx-4623 in the amount of \$999,000 was closed and funds in the amount of \$998,819.36 were transferred, via wire, to one of BEANE'S personal bank accounts at USAA, account number xxxxx-3062.
5	7/7/2017	BEANE transferred the sum of \$493,110.68, via wire from BEANE's personal account number xxxxx-4026 to Whitney Bank account number xxxxx-4960 belonging to B.G., whose identity is known to the Grand Jury, for the purchase of a 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome.

All in violation of Title 18, United States Code, Section 1343.

COUNT SIX

BANK FRAUD
(18 U.S.C. § 1344)

16. The allegations contained above in Paragraphs One through Fifteen are incorporated herein by reference for the purpose of alleging a violation of Title 18, United States Code, Section 1344.

17. From on or about July 5, 2017, continuing through at least on or about July 11, 2017, in the Eastern District of Tennessee, for the purpose of executing the scheme described above, the defendant, **RANDALL KEITH BEANE**, devised a scheme to defraud financial institutions and to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of financial institutions by means of false and fraudulent pretenses, representations, and promises, executed and attempted to wit, to purchase Certificates of Deposit with money that did not belong to him, without permission or authority, alter the financial instruments, and liquidate the CDs at and through financial institutions in order to obtain money and property fraudulently and for defendant's own use and benefit.

All in violation of Title 18, United States Code, Section 1344.

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#: 7

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Att. #71.5

COUNT SEVEN

CONSPIRACY TO COMMIT MONEY LAUNDERING
(18 U.S.C. § 1956(h))

18. The allegations contained above in Paragraphs One through Seventeen are incorporated herein by reference for purpose of alleging conspiracy to commit money laundering in violation of Title 18, United States Code, Section 1956(h).

19. The Grand Jury further charges that in on or about July 2017, in the Eastern District of Tennessee and elsewhere, the defendants **RANDALL KEITH BEANE** and **HEATHER ANN TUCCI-JARRAF**, did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury to commit certain offenses against the United States, in violation of Title 18, United States Code, Sections 1956 and 1957, as follows:

a. knowingly conducting and attempting to conduct financial transactions affecting interstate commerce, which transactions involved the proceeds of specified unlawful activity, that is, (wire fraud, bank fraud), in violation of Title 18, United States Code, Sections 1343 and 1344, with the intent to promote the carrying on of a specified unlawful activity, that is bank and wire fraud, and that while conducting such financial transactions knew that the property involved in the financial transactions represented the proceeds for some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i);

b. knowingly conducting and attempting to conduct financial transactions affecting interstate commerce, which involved the proceeds of specified unlawful activity, that is: (1) wire fraud in violation of 18 U.S.C. § 1343 and (2) bank fraud in violation of 18 U.S.C. § 1344, knowing that the transactions were designed in whole and in part to conceal and disguise
the nature, location, source, ownership, and control of the proceeds of specified unlawful
activity, and that while conducting and attempting to conduct such financial transactions, knew

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Att. #71.6

CCS *SEALED* Document 3 Filed 07/18/17 Page 6 of 8 PageID #: 8

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that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i).

c. knowingly engaging and attempting to engage in monetary transactions by, through or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, that is (1) wire fraud in violation of 18 U.S.C. § 1343; and (2) bank fraud in violation of 18 U.S.C. § 1344, in violation of Title 18, United States Code, Section 1957.

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE ALLEGATIONS

20. The allegations contained in Counts One through Seven of this Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. §§ 982(a)(1), 982(a)(2) and 28 U.S.C. § 2461.

21. Pursuant to 18 U.S.C. § 982(a)(2), upon conviction of any offense in violation of 18 U.S.C. §§ 1344, 1343, and any defendant so convicted shall forfeit to the United States any property, real or personal, constituting or traceable to the proceeds of any violation of 18 U.S.C. §§ 1344, 1343, including but not limited to the following property:

- a. 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN # 4VZVU1E94HC082752; topaz in color with eight wheels ("motorhome"); and
- b. A personal money judgment in favor of the United States and against the defendant, RANDALL KEITH BEANE, in the amount of \$553,749.99, which represents the proceeds the defendant personally obtained, directly or indirectly, as a result of the criminal violations of 18 U.S.C. §§ 1343; and 1344.

22. Pursuant to 18 U.S.C. § 982(a)(1), upon conviction of an offense in violation of 18 U.S.C. 1956(h), any defendant so convicted shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property, including but not limited to the following property:

Att. #71.7

- a. 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN # 4VZVU1E94HC082752; topaz in color with eight wheels ("motorhome").

23. Pursuant to Title 21, United States Code, Section 853(p), the defendants shall forfeit substitute property, up to the value of the property subject to forfeiture, if by any act or omission of any of the defendants, said property, or any portion thereof:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461.

A TRUE BILL:

Signature Redacted
FOREPERSON

NANCY STALLARD HARR
UNITED STATES ATTORNEY



CYNTHIA F. DAVIDSON
ANNE-MARIE SVOLTO
Assistant United States Attorneys

Att. #71.8

21.2-6.1

LAWS
of C. Campbell
THE UNITED STATES OF AMERICA,

FROM

THE 4th OF MARCH, 1789, TO THE 4th OF MARCH, 1815,

INCLUDING

THE CONSTITUTION OF THE UNITED STATES, THE OLD ACT OF
CONFEDERATION, TREATIES,

AND MANY OTHER VALUABLE ORDINANCES AND DOCUMENTS;

WITH

COPIOUS NOTES AND REFERENCES.

ARRANGED AND PUBLISHED UNDER THE AUTHORITY OF AN ACT OF CONGRESS.

IN FIVE VOLUMES.

NEW YORK
VOL. I
PUBLIC
LIBRARY

ASTOR LIBRARY
NEW YORK

PUBLISHED BY

JOHN BIOREN AND W. JOHN DUANE, PHILADELPHIA, AND
R. C. WEIGHTMAN, WASHINGTON CITY.

1815.

Att. #72.1

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Actual mode of electing the president and vice president of the United States.

[Note. In illustration of this amendment, see chap. 403, vol. 3.]

tives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE 13.

Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office of emolument of any kind, &c. [See, as connected with this subject, ante, art. 1, sec. 9, clause 7, page 65.]

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, 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, and shall be incapable of holding any office of trust or profit under them, or either of them.

[Note. The 11th article of the amendments to the constitution, was proposed at the second session of the third congress: the 12th article, at the first session of the eighth congress: and the 13th article, at the second session of the eleventh congress.]

CHAPTER 5.

Treaty establishing the rules of correspondence and commerce between the United States and France.

Treaties, contracts, and conventions, concluded, at different periods, between the United States of America and France, up to the year 1814.

No. 1. Treaty of amity and commerce between the United States of America and his most christian majesty.

ORIGINAL.

Treaty of amity and commerce.

ORIGINAL.

Traite d'amitie et de commerce.

THE most christian king, LE roi très chrétien, et les and the thirteen United States treize Etats Unis de l'Amérique of North America, to wit: New-Septentrionale, savoir, New Hampshire, Massachusetts Bay, Hampshire, la Baye de Massa-

Att. #72.2

CONSTITUTION OF THE STATE OF TENNESSEE

Preamble and Declaration of Rights

Whereas, The people of the territory of the United States south of the river Ohio, having the right of admission into the general government as a member state thereof, consistent with the Constitution of the United States, and the act of cession of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north west of the Ohio River, by their delegates and representatives in convention assembled, did on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution, or form of government, and mutually agreed with each other to form themselves into a free and independent state by the name of the state of Tennessee, and,

Whereas, The General Assembly of the said state of Tennessee, (pursuant to the third section of the tenth article of the Constitution,) by an act passed on the Twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled, "An Act" to provide for the calling of a convention, passed in obedience to the declared will of the voters of the state, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, did authorize and provide for the election by the people of delegates and representatives, to meet at Nashville, in Davidson County, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending, or changing, the Constitution, and said convention did accordingly meet and form a Constitution which was submitted to the people, and was ratified by them, on the first Friday in March, in the year of our Lord one thousand eight hundred and thirty-five, and,

Whereas, The General Assembly of said state of Tennessee, under and in virtue of the first section of the first article of the Declaration of Rights, contained in and forming a part of the existing Constitution of the state, by an act passed on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a convention by the people of the state, to meet at Nashville, on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or forming and making a new Constitution; and,

Whereas, The people of the state, in the mode provided by said Act, have called said convention, and elected delegates to represent them therein; now therefore,

We, the delegates and representatives of the people of the state of Tennessee, duly elected, and in convention assembled, in pursuance of said act of Assembly have ordained and established the following Constitution and form of government for this state, which we recommend to the people of Tennessee for their ratification: That is to say

ARTICLE I.

Declaration of Rights.

Section 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

Section 2. That government being instituted for the common benefit, the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

Section 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.

Section 4. That no political or religious test, other than an oath to support the Constitution of the United States and of this state, shall ever be required as a qualification to any office or public trust under this state.

Section 5. The elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.

Section 6. That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

Section 7. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not be granted.

Section 8. That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

Section 9. That in all criminal prosecutions, the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Section 10. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

Section 11. That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

Section 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Section 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.

Section 14. That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.

Section 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. And the privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

Section 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 17. That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner and in such courts as the Legislature may by law direct.

Section 18. The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

Section 19. That the printing press shall be free to every person to examine the proceedings of the Legislature; or of any branch or officer of the government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

Section 20. That no retrospective law, or law impairing the obligations of contracts, shall be made.

Section 21. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefore.

Section 22. That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

Section 23. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address of remonstrance.

Section 24. That the sure and certain defense of a free people, is a well regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

Section 25. That no citizen of this state, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to punishment under the martial or military law. That martial law, in the sense of the unrestricted power of military officers, or others, to dispose of the persons, liberties or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this state.

CASE NO. 18-5752

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA, Appellee,

- vs -

HEATHER ANN TUCCI-JARRAF, Appellant.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

OPENING BRIEF OF APPELLANT HEATHER ANN TUCCI-JARRAF

DENNIS G. TEREZ

Ohio Bar: 0030065

P.O. Box 22128

Beachwood, Ohio 44122

Phone: 216-256-4059

Facsimile: 216-932-8901

njcdgt@yahoo.com

Counsel for Appellant Heather Ann Tucci-Jarraf

Att. #74.1

JURISDICTIONAL STATEMENT

The United States District Court for the Eastern District of Tennessee had original jurisdiction over this case pursuant to 18 U.S.C. § 3231, which gives district courts original and exclusive jurisdiction over federal crimes and subsequent violations of federal sentences. Heather Ann Tucci-Jarraf appeals as a matter of right the judgment entered against her on July 17, 2018 [R. 216, Judgment and Commitment Order, 07/19/18, PageID# 18599], the conviction adjudged against her on February 1, 2018 [R. 117, Minute Entry, 02/01/18, PageID# 3491; R. 119, Jury Verdict, 02/01/18, PageID# 3497], and various orders entered against her in the pretrial, trial, and post-trial phases of her case. 28 U.S.C. § 1291; 18 U.S.C. § 3742. Ms. Tucci-Jarraf filed a timely notice of appeal on July 19, 2018. [R. 218, Notice of Appeal, 07/19/18, Page ID# 18609] The judgment entered against her disposed of all claims, and was a final decision of the lower court. The Court thus has jurisdiction over Ms. Tucci-Jarraf's appeal pursuant to 28 U.S.C. § 1291.

IN THE
United States Court of Appeals
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RANDALL KEITH BEANE
(#52505-074),

Defendant-Appellant,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

OPENING BRIEF OF APPELLANT
RANDALL KEITH BEANE

Stephen L. Braga

Sarah Crandall (*Third Year Law Student*)

Brian Diliberto (*Third Year Law Student*)

Elizabeth Joynes (*Third Year Law Student*)

Amanda Lineberry (*Third Year Law Student*)

UNIVERSITY OF VIRGINIA

SCHOOL OF LAW

Appellate Litigation Clinic

580 Massie Road

Charlottesville, Virginia 22903-1789

(434) 924-3825

stevebraga@virginia.edu

Att. #75.1

Counsel for Appellant

STATEMENT OF JURISDICTION

The district court had jurisdiction of this action pursuant to 28 U.S.C. § 1331 (1980) as it arose under laws of the United States, 18 U.S.C. §§ 1343–1344 (2008) and 18 U.S.C. § 1956(h) (2016). This court has jurisdiction under 28 U.S.C. § 1291 (1982) because the district court entered a final judgment against Beane on all counts on February 1, 2018, from which he timely appealed on July 25, 2018.

STATEMENT OF ISSUE FOR REVIEW

1. Whether the trial court erred in granting Beane's request to proceed *pro se*, and/or in failing to revisit that decision, in the face of Beane's repeated demonstrations throughout every stage of the proceedings below that under any objective standard he was incompetent to represent himself, especially at a joint trial where he was subject to being unduly influenced by his alleged coconspirator?

STATEMENT OF THE CASE

On July 18, 2017, Beane was indicted on five counts of wire fraud, one count of bank fraud, and one count of conspiracy to commit money laundering. Indictment, R. 3, Page ID # 3–10. Heather Anne Tucci-Jarraf ("Tucci-Jarraf") was indicted as Beane's coconspirator in the money laundering conspiracy. After a jury trial, *at which Beane and Tucci-Jarraf both represented themselves*, the defendants were convicted on all charges. Transcript, R. 168, Page

Att. #75.2

What is Money Laundering?

Money laundering is the process by which criminals conceal or disguise their proceeds and make them appear to have come from legitimate sources.

Money laundering allows criminals to hide and accumulate wealth, avoid prosecution, evade taxes, increase profits through reinvestment, and fund further criminal activity.

While many definitions for money laundering exist, it can be defined very simply as turning "dirty" money into "clean" money. And it's a significant crime—money laundering can undermine the integrity and stability of financial institutions and systems, discourage foreign investment, and distort international capital flows.

The FBI focuses its efforts on money laundering facilitation, targeting professional money launderers, key facilitators, gatekeepers, and complex financial institutions, among others.

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Att. #76

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA)

v.)

RANDALL KEITH BEANE)

No.: 3:17-CR-82-TAV- DCP

PRELIMINARY ORDER OF FORFEITURE

On July 18, 2017, an Indictment (Doc. 3) was filed charging the defendant, RANDALL KEITH BEANE, with wire fraud, bank fraud and conspiracy to launder money, in violation of 18 U.S.C. §§ 1343, 1344 and 1956(h) (Counts One through Seven).

In the forfeiture allegations of the Indictment, the United States sought forfeiture of the interest of the defendant in any property derived from or traceable to property derived from proceeds of the wire fraud and bank fraud violations and an property involved in the commission of money laundering offense, as set forth in the Indictment, pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2).

On February 1, 2018, the defendant was convicted of the offenses charged in the Indictment. By virtue of the conviction, and the evidence produced at trial, the Court has determined that the properties identified below are subject to forfeiture pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2), and that the United States has established the requisite nexus between the properties and the offense pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

Att. #77.1

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. Based upon the jury verdict finding the defendant guilty of the offenses in violation of 18 U.S.C. §§ 1343, 1344, and 1956(h), all right, title and interest of the defendant in the following are hereby forfeited to the United States pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2), and Rule 32.2(b) of the Federal Rules of Criminal Procedure:

(a) 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN 4VZVU1E94HC082752; topaz in color with eight wheels; and

(b) A money judgment in favor of the United States and against the defendant, RANDALL KEITH BEANE, for \$553,749.99, which represents the minimum amount of proceeds RANDALL KEITH BEANE personally obtained, directly or indirectly, as a result of the criminal violations of 18 U.S.C. §§ 1343 and 1344.

2. The aforementioned forfeited properties are to be held by the United States Marshal's Service, or its designated representative, until the case is completed.

3. Pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States hereby gives notice of its intent to dispose of the forfeited properties in such a manner as the United States Attorney General may direct. The Notice shall provide that any person other than the defendant, having or claiming a legal interest in the above-listed forfeited properties must file a petition with the Court within sixty (60) days from the first day of publication of this Notice on the official United States Government internet website, which is www.forfeiture.gov.

4. The notice shall also state that the petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the properties shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right,

title and interest in the properties, the time and circumstances of the petitioner's acquisition of the right, title and interest in the properties and any additional facts supporting the petitioner's claim and the relief sought. The United States, to the extent practicable, may also provide direct written notice to any person, as a substitute for published notice as to those persons so notified.

5. Because Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment," and pursuant to Rule 32.2(b)(4)(A) and (b)(4)(B), this Preliminary Order of

Forfeiture will become final as to the money judgment in the amount of \$553,749.99 at the time of sentencing, and will be made part of the sentence and included in the Judgment.

6. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order of Forfeiture to substitute property having a value not to exceed \$553,749.99 to satisfy the money judgment in whole or in part.

7. Upon adjudication of all other or third-party interests in the properties, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to the Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ENTER:

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

Submitted by:

J. DOUGLAS OVERBEY
United States Attorney

By: s/*Anne-Marie Svolto*
Anne-Marie Svolto
Cynthia F. Davidson
Assistant United States Attorneys

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TENNESSEE
3 AT KNOXVILLE, TENNESSEE

4 UNITED STATES OF AMERICA,)

5 Government,)

6 vs.)

Case No. 3:17-cr-82-1

7 RANDALL KEITH BEANE,)

8 Defendant.)

9 SENTENCING PROCEEDINGS
10 BEFORE THE HONORABLE THOMAS A. VARLAN

11 Tuesday, July 24th, 2018
12 10:09 a.m. to 10:51 a.m.

13 APPEARANCES:

14 ON BEHALF OF THE GOVERNMENT:

15 CYNTHIA F. DAVIDSON, ESQ.
16 ANN-MARIE SVOLTO, ESQ.
17 U.S. DEPARTMENT OF JUSTICE
18 OFFICE OF U.S. ATTORNEY
19 800 Market Street
20 Suite 211
21 Knoxville, TN 37902

22 ON BEHALF OF THE DEFENDANT HEATHER ANN
23 TUCCI-JARRAF: (Appearing Pro Se)

24 STEPHEN G. MC GRATH, ESQ. (Elbow Counsel)
25 ATTORNEY AT LAW
9111 Cross Park Drive
Building D, Suite 200
Knoxville, TN 37923

26 REPORTED BY:

27 Teresa S. Grandchamp, RMR, CRR
28 P.O. Box 1362
29 Knoxville, Tennessee 37901
30 (865) 244-0454

Att. #78.1

1 derived from proceeds of the wire fraud and bank
2 fraud violations and property involved in the
3 commission of a money laundering offense, as set
4 forth in the Indictment and pursuant to 18 United
5 States Code §§ 982(a)(1) and 982(a)(2).

6 Specifically, as set forth in the
7 motion, the United States seeks to forfeit the
8 defendant's interest in the motor home that was the
9 subject or testimony at trial, specifically
10:18AM 10 identified as a 2017 Entegra Cornerstone 45B 45-foot
11 diesel motor home, VIN number listed in the motion.

12 The United States ☐ or the government
13 also seeks a personal money judgment in favor of the
14 government and against the defendant for
15 \$553,749.99, which the government contends is the
16 amount representing the proceeds the defendant
17 personally obtained as a result of the defendant's
18 criminal violations.

19 First, to the extent -- based on the
10:19AM 20 defendant's statement, to the extent the defendant
21 is applying his arguments regarding the lack of
22 jurisdiction of the Court or the lack of the
23 authority of the Court to enter orders or address
24 matters pertaining to the defendant, to the extent
25 the defendant is raising those arguments as a

Att. #78.2

Public Law 97-280

97TH UNITED STATES CONGRESS
1ST SESSION

Joint Resolution

A joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible".

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas many of our great national leaders-among them Presidents Washington, Jackson, Lincoln, and Wilson-paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the President is authorized and requested to designate 1983 as a national "Year of the Bible" in recognition of both the formative influence the Bible has been for our Nation, and our national need to study and apply the teachings of the Holy Scriptures.

Approved October 4, 1982.

Att. #79

Notes

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No.: 3:17-CR-82

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,
Defendants.

VOLUME VI of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 30, 2018
9:19 a.m. to 4:18 p.m.

APPEARANCES:

FOR THE PLAINTIFF:

CYNTHIA F. DAVIDSON, ESQUIRE
ANNE-MARIE SVOLTO, ESQUIRE
Assistant United States Attorney
United States Department of Justice
Office of the United States Attorney
800 Market Street
Suite 211
Knoxville, Tennessee 37902

**FOR THE DEFENDANT:
RANDALL BEANE**

RANDALL KEITH BEANE, PRO SE
Blount County Detention Center
920 East Lamar Alexander Parkway
Maryville, Tennessee 37904

**FOR THE DEFENDANT:
(As Elbow Counsel)**

STEPHEN G. McGRATH, ESQUIRE
9111 Cross Park Drive
Suite D-200
Knoxville, Tennessee 37923

REPORTED BY:

Rebekah M. Lockwood, RPR, CRR
Official Court Reporter
(865) 210-6698
P.O. Box 1823
Knoxville, Tennessee 37901-1823

Att. #80.1

Heather Ann Tucci-Jarraf - Cross-Examination

1 at the time, for my federal defender's job down in San Diego,
2 left three days before the bar and decided to do Washington
3 State bar and passed it. It was not hard. It was easy. It
4 was an essay, all essays.

5 Q No problem.

6 A No.

7 Q And after you graduated, you were state prosecutor in
8 Washington state. Right? That's what you testified to.

9 A Actually, no. I went overseas. At one point, for --
10 during the cleanup, I did take on a job at the -- at the public
11 defender's office first, and then moved over to the
12 prosecutor's office in Pierce County.

13 Q Okay. And so you did work for the state prosecutor's
14 office. Right?

15 A I did. For three years, approximately -- May 26th,
16 2003 all the way to February of 2006.

17 Q Okay. And so you're very familiar with the law?

18 A Yes.

19 Q Yes. And you know that the law applies to everyone,
20 don't you?

21 A Yes.

22 Q And you've seen this Black's Law Dictionary?

23 A I'm familiar with Black's Law.

24 Q Everybody buys --

25 A It used to be a joke book --

UNITED STATES DISTRICT COURT

Att. #80.2

Heather Ann Tucci-Jarraf - Cross-Examination

1 Q I'm sorry.

2 A -- and then it got turned into a dictionary. Yes,
3 I'm very familiar with it.

4 Q Okay. And so you know that there is absolutely no
5 difference between the definition of attorney and lawyer, don't
6 you?

7 A Actually, in Bouvier's Dictionary, which is the law
8 book or the law dictionary that at least the judges I worked
9 with at the federal and state levels, that's the one they use.
10 It was Bouvier's. Black's Law, that's what we used in law
11 school.

12 Q Okay. And so you know there's no difference between
13 attorney and lawyer?

14 A Actually, I know there's a difference between
15 attorney and lawyer, based on my experience with DOJ and with
16 the attorneys and the judges that assisted here. That was the
17 part of the fraudulent legal -- or excuse me, the fraud in the
18 legal structure is the difference, the legal terms and how, you
19 know, the general public doesn't understand what the legal
20 standing is of the terms that are used, so pro -- excuse me,
21 pro se and pro per, persona, the difference between that and
22 the legal standing and the consequences, the legal consequences
23 that come from each of those.

24 Q So you're the only one that knows the difference
25 between attorney and lawyer?

UNITED STATES DISTRICT COURT

Att. #80.3



The

ESSENTIAL

LAW

DICTIONARY

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- Easy-to-understand definitions
- Written by a leading authority in the field

Amy Hackney Blackwell



Att. #81.1

attainder. N. Under common law, the forfeiting of all civil and property rights after being convicted of treason or a felony. See also *bill of attainder*.

attempt. N. The act of trying to do something, usually unsuccessfully; in criminal law, an intentional effort to commit a crime that failed but could have succeeded. v. *attempt*.

attendant circumstances. N. The facts and circumstances surrounding an event.

attest. v. To declare something to be true; to sign a document as a witness. N. *attestation*.

attorney. N. A lawyer; more generally, an agent appointed to act for another person.

attorney at law. N. A lawyer admitted by a court to practice law in a particular jurisdiction, including drafting legal documents and representing clients in court.

attorney-client privilege. N. In evidence law, the right of attorneys and their clients to withhold information about confidential communications made in the course of their professional relationship.

attorney general. N. An attorney who serves as the head of the Department of Justice and chief legal adviser to the president and who represents the United States in legal matters; each state also has its own attorney general who performs the same functions at the state level.

attorney's fees. N. The fees charged by a lawyer for services rendered to clients. See also *contingent*.

attractive nuisance. N. A doctrine in tort law that a person who keeps something on his or her property that is lik

Att. #81.2

students, usually compiled and edited by a staff of students chosen for their excellent academic record.

Law School Admission Test. N. A test that is required for admission to most law schools. ABBRV. *LSAT*.

laws of war. The laws that govern the actions nations may take when they are at war. See also *Geneva Conventions*, *jus in bello*.

lawsuit. N. An action at law or equity; a dispute brought before a court for determination.

lawyer. N. An attorney; a person who has studied law or who practices law.

lay. ADJ. Not professional or expert in a particular field; nonecclesiastical or nonclergy.

lay judge. N. A judge who has not studied law.

layman. N. A person who is not a professional or expert in a particular field, e.g., in legal situations, a nonlawyer.

layoff. N. The firing of one or many employees in response to business conditions, not for any wrongdoing of the employee; the temporary or permanent termination of one or more workers. See also *downsize*.

lay witness. N. A witness who is not an expert in the field on which he or she is called to testify; see also *expert*.

lead counsel. N. The head lawyer on one side of a lawsuit who is in charge of managing the case and all other attorneys and other people working on it.

leading case. N. A case that is recognized as determining the law on a particular topic and is often cited for that purpose.

Att. #81.3

2. These laws are inserted in the beginning of the book entitled "Us et Coutumes de la Mer," with a very excellent commentary on each section by Clairac, the learned editor. A translation is to be found in the Appendix to 1 Pet. Adm. Dec.; Marsh. Ins. B. 1, c. 1, p. 16. See Laws of Wisbuy: Laws of the Hanse Towns; Code

LAWS OF WISBUY, maritime law. A code of sea laws established by "the merchants and masters of the magnificent city of Wisbuy." This city was the ancient capital of Gothland, an island in the Baltic sea, anciently much celebrated for its commerce and wealth, now an obscure and inconsiderable place. Malyne, in his collection of sea laws, p. 44, says that the laws of Oleron were translated into Dutch by the people of Wisbuy for the use of the Dutch coast. By Dutch probably means German, and it cannot be denied that many of the provisions contained in the Laws of Wisbuy, are precisely the same as those which are found in the Laws of Oleron. The northern writers pretend however that they are more ancient than the Laws of Oleron, or than even the Consolato del Mare. Clairac treats this notion with contempt, and declares that at the time of the promulgation of the laws of Oleron, in 1266, which was many years after they were compiled, the magnificent city of Wisbuy had not yet acquired the denomination of a town. Be this as it may, these laws were for some ages, and indeed still remain, in great authority in the northern part of Europe. "Lex Rhodia navalis," says Grotius, "pro jure gentium, in illo mare Mediterraneo vigeat; sicut apud Gallium leges Oleronis, et apud omnes transrhenanos, leges Wisbuenses." Grotius de Jure bel. lib. 2, c. 3.

A translation of these laws is to be found in 1 Peter's Adm. Dec. Appendix. See Code; Laws of Oleron.

LAWS, RHODIAN, maritime. law. A code of laws adopted by the people of Rhodes, who had, by their commerce and naval victories, obtained the sovereignty of the sea, about nine hundred. years before the Christian era. There is reason to suppose this code has not been transmitted to posterity, at least not in a perfect state. A collection of marine constitutions, under the denomination of Rhodian Laws, may be seen in Vinnius, but they bear evident marks of a spurious origin. See Marsh. Ins. B. 1, c. 4, p. 15; this Dict. Code; Laws of Oleron; Laws of Wisbuy; Laws of the Hanse Towns.

LAWYER. A counsellor; one learned in the law. Vide attorney.

LEGACY. A bequest or gift of goods or chattels by testament. 2 Bl. Com. 512; Bac. Abr. Legacies, A. See Merlin, Répertoire, mot Legs, s. 1; Swinb. 17; Domat, liv. 4, t. 2, §1, n. 1. This word, though properly applicable to bequests of personal estate only, has nevertheless been extended to property not technically within its import, in order to effectuate the intention of the testator, so as to include real property and annuities. 5 T. R. 716; 1 Burr. 268; 7 Ves. 522; Id. 391; 2 Cain. R. 345. Devise is the term more properly applied to gifts of real estate. Godolph. 271.

2. As the testator is presumed at the time of making his will to be inops concilii, his intention is to, be sought for, and any words which manifest the intention to give or create a legacy, are sufficient. Godolph. 281, pt. 3, c. 22, s. 21; Com. Dig. Chancery, 3 Y 4; Bac. Abr.

Att. #82.1

attestation clause to a will, is in the following formula, to wit: "Signed, sealed, published and declared by the above named A B, as and for his last will and testament, in the presence of us, who have hereunto subscribed our names as the witnesses thereto, in the presence of the said testator, and of each other." That of deeds is generally in these words " Sealed and delivered in the presence of us."

2. When there is an attestation clause to a will, unsubscribed by witnesses, the presumption, though slight, is that the will is in an unfinished state; and it must be removed by some extrinsic circumstances. 2 Eccl. Rep. 60. This 'presumption is infinitely slighter, where the writer's iutention to have it regularly attested, is to be collected only from the single vord " witnesses." Id. 214. See 3 Phillim. R. 323; S. C. 1 Eng. Eccl. R. 407.

ATTESTING WITNESS. One who, upon being required by the parties to an instrument, signs his name to it to prove it, and for the purpose of identification.

2. The witness must be desired by the parties to attest it, for unless this be done, he will not be an attesting witness, although he may have seen the parties execute it. 3 Campb. 232. See Competent witness; Credible witness; Disinterested witness; Respectable witness; Subscribing witness; and Witness; Witness instrumentary; 5 Watts, 399; 3 Bin. 194.

ATTORNEY. One who acts for another byvirtue of an appointment by the latter. Attorneys are of various kinds.

2. Attorney in fact. A person to whom the authority of another, who is called the constituent, is by him lawfully delegated. This term is employed to designate persons who act under a special agency, or a special letter of attorney, so that they are appointed in factum, for the deed, or special act to be performed; but in a more extended sense it includes all other agents employed in any business, or to do any act or acts in pais for another. Bac. Ab. Attorney; Story, Ag. 25.

3. All persons who are capable of acting for themselves, and even those who are disqualified from acting in their own capacity, if they have sufficient understanding, as infants of a proper age and femes coverts, may act as attorneys of others. Co. Litt. 52, a; 1 Esp. Cas. 142; 2 Esp. Cas.

Att. #82.2

4. The form of his appointment is by letter of attorney. (q. v.)

5. The object of his appointment is the transaction of some business of the constituent by the attorney.

6. The attorney is bound to act with due diligence after having accepted the employment, and in the end, to 'render an account to his principal of the acts which he has performed for him. Vide Agency; Agent; Authority; and Principal.

7. Attorney at law. An officer in a court of justice, who is employed by a party in a cause to manage the same for him. Appearance by an attorney has been allowed in England, from the time of the earliest

United States v. Throckmorton, 98 U.S. 61 (1878)

Syllabus Case

U.S. Supreme Court

United States v. Throckmorton, 98 U.S. 61 (1878)

United States v. Throckmorton

98 U.S. 61

APPEAL FROM THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF CALIFORNIA

Syllabus

1. It is essential to a bill in chancery on behalf of the United States to set aside a patent for lands or the final confirmation of a Mexican grant that it shall appear in some way, without regard to the special form, that the Attorney General has brought it himself or given such authority for bringing it as will make him officially responsible therefor through all stages of its presentation.
2. The frauds for which a bill to set aside a judgment or a decree between the same parties, rendered by a court of competent jurisdiction, will be sustained are those which are extrinsic or collateral to the matter tried, and not a fraud which was in issue in the former suit.
3. The cases where such relief has been granted are those in which, by fraud or deception practiced on the unsuccessful party, he has been prevented from exhibiting fully his case, by reason of which there has never been a real contest before the court of the subject matter of the suit.
4. The circuit court of the United States has now no original jurisdiction to reform surveys made by the land department of confirmed Mexican grants in California.

The facts are stated in the opinion of the Court.

Page 98 U. S. 62

MR. JUSTICE MILLER delivered the opinion of the Court.

In this case a bill in chancery is brought in the Circuit Court of the United States for the District of California, to use the language of the bill itself, "by Walter Van Dyke, United States attorney for that district, on behalf of the United States," against Throckmorton, Howard, Goold, and Haggin.

The object of the bill is to have a decree of the court setting aside and declaring to be null and void a

Att. #83.1

his office, the important final decree of concession was not there. The attention, therefore, of all the parties and of the court must have been drawn to a close scrutiny of any proceeding to supply this important document.

There was also ample time to make all necessary inquiries and produce the necessary proof, if it existed, of the fraud. The allegation of the bill is that this simulated concession was filed with the board of commissioners in January, 1853, and the decree rendered on December 27, thereafter. The appeal was pending after this in the district court over two years, and after the final decree in that court it remained under the consideration of the Attorney General another year, when he authorized the dismissal of the appeal. The case, then, unless these officers neglected their duties, underwent the scrutiny of two judicial tribunals and of the Attorney General of the United States, as well as of his subordinate in the State of California, and was before them for a period of five years of litigation.

The bill in this case is filed May 13, 1876, more than twenty years after the rendition of the decree which it seeks to annul. During that time, Richardson, the claimant and the man who is personally charged with the guilt of the fraud, has died, his heirs, who with himself were claimants in the suit, are not made parties, and the land has passed from his ownership to that of the present defendants by purchase and conveyance.

It is true that the defendants are charged in general terms with being purchasers with notice.

It is true that the United States is not bound by the statute of limitations as an individual would be. And we have not recited any of the foregoing matters found in the bill as sufficient of itself to prevent relief in a case otherwise properly cognizable in equity. But we think these are good reasons why a bill which seeks under these circumstances to annul a decree thus surrounded by every presumption which should give it support shall present on its face a clear and unquestionable ground on which the jurisdiction it invokes can rest.

Let us inquire if this has been done.

There is no question of the general doctrine that fraud vitiates the most solemn contracts, documents, and even judgments.

Page 98 U. S. 65

There is also no question that many rights originally founded in fraud become -- by lapse of time, by the difficulty of proving the fraud, and by the protection which the law throws around rights once established by formal judicial proceedings in tribunals established by law, according to the methods of the law -- no longer open to inquiry in the usual and ordinary methods. Of this class are judgments and decrees of a court deciding between parties before the court and subject to its jurisdiction, in a trial which has presented the claims of the parties, and where they have received the consideration of the court.

There are no maxims of the law more firmly established or of more value in the administration of justice than the two which are designed to prevent repeated litigation between the same parties in regard to the same subject of controversy -- namely, *interest rei publicae, ut sit finis litium*, and *nemo debet bis vexari pro una et eadem causa*.

If the court has been mistaken in the law, there is a remedy by writ of error. If the jury has been mistaken in the facts, the remedy is by motion for new trial. If there has been evidence discovered since the trial, a motion for a new trial will give appropriate relief in the same suit, and the part matter. So in a suit in chancery, on proper showing a re is an erroneous decision, an appeal to a higher court giv

Att. #83.2

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evidence is discovered after the decree has become final, a bill of review on that ground may be filed within the rules prescribed by law on that subject. Here again, these proceedings are all part of the same suit, and the rule framed for the repose of society is not violated.

But there is an admitted exception to this general rule in cases where, by reason of something done by the successful party to a suit, there was in fact no adversary trial or decision of the issue in the case. Where the unsuccessful party has been prevented from exhibiting fully his case by fraud or deception practiced on him by his opponent, as by keeping him away from court, a false promise of a compromise, or where the

Page 98 U. S. 66

defendant never had knowledge of the suit, being kept in ignorance by the acts of the plaintiff, or where an attorney fraudulently or without authority assumes to represent a party and connives at his defeat, or where the attorney regularly employed corruptly sells out his client's interest to the other side -- these and similar cases which show that there has never been a real contest in the trial or hearing of the case are reasons for which a new suit may be sustained to set aside and annul the former judgment or decree and open the case for a new and a fair hearing. See *Wells, Res Adjudicata*, sec. 499; *Pearce v. Olney*, 20 Conn. 544; *Wierich v. De Zoya*, 7 Ill. 385; *Kent v. Ricards*, 3 Md.Ch. 392; *Smith v. Lowry*, 1 Johns. (N.Y.) Ch. 320; *De Louis v. Meek*, 2 Ia. 55.

In all these cases and many others which have been examined, relief has been granted on the ground that, by some fraud practiced directly upon the party seeking relief against the judgment or decree, that party has been prevented from presenting all of his case to the court.

On the other hand, the doctrine is equally well settled that the court will not set aside a judgment because it was founded on a fraudulent instrument, or perjured evidence, or for any matter which was actually presented and considered in the judgment assailed. Mr. Wells, in his very useful work on *Res Adjudicata*, says, sec. 499:

"Fraud vitiates every thing and a judgment equally with a contract -- that is, a judgment obtained directly by fraud, and not merely a judgment founded on a fraudulent instrument; for in general the court will not go again into the merits of an action for the purpose of detecting and annulling the fraud. . . . Likewise, there are few exceptions to the rule that equity will not go behind the judgment to interpose in the cause itself, but only when there was some hindrance besides the negligence of the defendant in presenting the defense in the legal action. There is an old case in South Carolina to the effect that fraud in obtaining a bill of sale would justify equitable interference as to the judgment obtained thereon. But I judge it stands almost or quite alone, and has no weight as a precedent."

The case he refers to is *Crauford v. Crauford*, 4 Desau. (S.C.) 176. See also Bigelow on Fraud 170-172.

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The principle and the distinction here taken was laid down as long ago as the year 1702 by the Lord Keeper in the High Court of Chancery in the case of *Tovey v. Young*, Pr.Ch. 193.

This was a bill in chancery brought by an unsuccessful party to a suit at law for a new trial, which was at that time a very common mode of obtaining a new trial. One of the grounds of the bill was that complainant had discovered since the trial was had that the principal witness against him was a partner in interest with the other side. The Lord Keeper said:

"New matter may in some cases be ground for relief, but when it consists in swearing only, will I ever grant a new trial that a witness on whose testimony the verdict was given

ior,
ting, or

Att. #83.3

10/23/2020

Used 2017 Entegra Coach Cornerstone 45B Motor Home Class A - Diesel at Parkway RV Center | Ringgold, GA | #4583

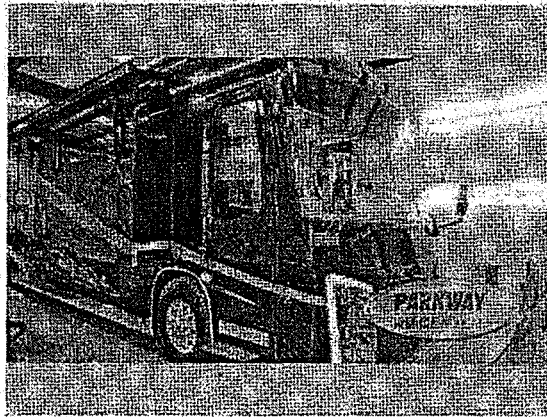


Used 2017 Entegra Coach Cornerstone 45B

Location

Ringgold, GA
5568 Battlefield Parkway
Ringgold, GA 30736
706-965-7929

Luxury Diesel Motor Coach, 600 HP Cummins, 4 Slides, Passive Tag Axle, Collision Avoidance



SOLD

Location: Ringgold, GA
Stock #4583
Click here to see if we have more available
Chassis: Spartan K3

Question?

Click here to chat with us

X

ONLINE - Click here to chat!

What we inspect for Option A Price

2017 45B Features and Options

SHOWN BY APPOINTMENT ONLY. PLEASE CALL BEFORE COMING TO LOOK.

Please watch video or call us for condition report, questions, etc. Please call (706) 965-7929 before coming to look to verify availability. Please note the get lowest price feature is our Option B as-is price only. For pricing details please call us or read below. Shown By Appointment Only. Unit is not on our sales lot.

If you are looking for DUAL sinks in a rear master bath, an entertainment center with a fireplace, and a half bath this quad slide Entegra Coach Cornerstone 45B motor home is your ne

2017 45B Specifications

Sleeps	4
Slides	4
Length	44 ft 11 in
Ext Width	8 ft 5 in
Ext Height	12 ft 11 in
Int Height	7 ft
Hitch Weight	20000 lbs
Gross Weight	54000 lbs
Fresh Water Capacity	100 gals
Grey Water Capacity	62 gals
Black Water Capacity	41 gals
Tire Size	22.5"
Generator	12.5 KW Onan Diesel
Fuel Type	Diesel
Engine	Cummins ISX 600HP
Chassis	Spartan K3
Horsepower	600 hp
Fuel Capacity	150 gals

TEXT US X

<https://www.parkwayrvcenter.com/product/used-2017-entegra-coach-cornerstone-45b-11290>

Att. #84.1

1/4

10/23/2020

Used 2017 Entegra Coach Cornerstone 45B Motor Home Class A - Diesel at Parkway RV Center | Ringgold, GA | #4583

Torque	1950 ft-lb
Refrigerator Type	Residential
Refrigerator Size	18 cu ft
Convection Cooking	Yes
Number of Awnings	3
Water Heater Type	Aqua Hot
AC BTU	45000 btu
Awning Info	Power
Washer/Dryer Available	Yes
Electrical Service	50 amp
VIN	4VZVU1E94HC082752

On the passenger side of the motor home you will find a slide with an expandable sofa and two ottomans or you can choose an optional hide-a-bed sofa. Also within the slide is a double kitchen sink, two burner range, microwave, overhead cabinets, and a shelf. The opposite side of the motor home offers a slide with an entertainment center, fireplace and a 50" LED TV, and a dinette with chairs, desk, plus a refrigerator.

Just past the slide in the main living area you will find a half bath.

The bedroom offers a king bed slide with overhead cabinets, and nightstands on either side of the bed. Across from the foot of the bed you will find a slide out with a vanity, dresser, and 32" LED TV in the bedroom. **Question?** [Click here to chat with us](#) is a pantry that is located in the hallway beside the kitchen countertop.

ONLINE - Click here to chat!
In the rear there is a master bath featuring a vanity with DUAL sinks on one side, plus a shower and toilet on the opposite side. Along the rear wall you will find a wardrobe with sliding mirror doors and a washer and dryer.

Outside you can even enjoy an exterior entertainment center with a 40" LED TV when relaxing in the great outdoors.

We offer you two options on how to buy this RV.
Option A is \$379,000 which is haggle free / firm (no matter if you pay cash, finance and or trade) Includes a inspection by our RV Techs that is completed after purchase (please visit our website for a list of what we inspect and repair if needed for the price you pay), 1 Year Nationwide Limited Warranty, Walk Thru / Demo, Starter Kit, Temp Tag, a year of free camping, and more. Option B is buyer declines all services and buys RV as-it sits (just like we purchased it), no

Att. #84.2

TEXT US X

11/15/2020

Latin Dictionary

praeter : adv, beyond, after

praeter : adj., except; prep. + acc., besides, beyond, more than.

praeterea : preterea : besides, further, hereafter.

praeterea : adv, besides, moreover, as indeed it is

Att. #85



U.S. Department of Justice
United States Marshals Service

Complaint Regarding United States Marshals Service (USMS) Personnel or Programs

** Required Field*

Your Name: PLEASE SEE BELOW AND ATTACHED FORMAL GRIEVANCE COMPLAINT

Email Address:

Phone Number:

Other Number:

Street Address:

City:

State:

ZIP Code:

County:

☒ *** I certify that the information contained herein is true and correct to the best of my knowledge.**

*** COMPLAINT DETAILS** - Please provide a description of the facts and circumstances surrounding the reported activities, such as the evidence forming the basis of this report, the names of the individuals involved, dates, location, and their involvement:

US District Court for the Eastern District of Tennessee issued two fraudulent arrest warrants. US Marshals (Amanda Shields and Matthew S. Dusim-?) used those unlawful warrants and kidnapped Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf in violation of DOJ section 1033 (18 U.S.C §§ 1201, 1202). Mr. Beane and Mrs. Tucci:Jarraf did not give consent to be transported without a valid arrest warrant. Mr. Beane and Mrs. Tucci:Jarraf were illegally and unlawfully arrested and detained. Please see attached complaint for details - Att. #3 (Randall-Keith:Beane fraudulent arrest warrant), Att. #4 (Heather-Ann:Tucci:Jarraf fraudulent arrest warrant), Att. #10 - 18a U.S. Code Rule 9. Arrest Warrant on an Indictment - (b) Form - (1) "The warrant must...be signed by the clerk...", Att. #38 - 18 U.S. Code §241. Conspiracy against rights, and Att. #39 - 18 U.S. Code §242. Deprivation of rights under color of law. Thank you.

Privacy Act Statement: The USMS is authorized to collect this information from you pursuant to 28 C.F.R. § 0.111(n) and 28 C.F.R. § 0.113. The USMS will use the information you provide to investigate your complaint regarding USMS personnel and/or programs, and may contact you for more information. The information may be shared within the USMS, or to other components of the Department of Justice. In addition, the USMS may share the information with law enforcement agencies investigating a violation of law (whether criminal, civil, and/or administrative), or agencies implementing a statute, rule, or order. The contents of your complaint may be shared with Congressional offices. Additionally, the USMS may disclose relevant portions of the information to appropriate parties engaged in litigation and for other routine uses as specified in the Federal Register. You are not required by law to provide the requested information, but if you do not provide data in the fields listed, the USMS may not be able to properly address your complaint.

OMB Control Number 1105-0108 (Exp. 08/31/2023)

The Civil Rights Division enforces civil rights laws in a wide variety of contexts. You may use the information on this page to find the appropriate way to submit a complaint or report of a potential civil rights violation. If you are not sure which Section is the appropriate one to receive your complaint, you may contact the Civil Rights Division at toll-free 855-856-1247 or (202) 514-3847.

Criminal SectionHousing and Civil
Enforcement SectionDisability Rights SectionImmigrant and Employee Rights
SectionEducational Opportunities
SectionSpecial Litigation SectionEmployment Litigation SectionVoting SectionFederal Coordination and
Compliance

Please let us know if you have trouble understanding English or need help communicating with the Civil Rights Division. Ask for an interpreter or if translated material is available when you contact us. If you can, please tell us your language (or dialect).

Availability of Language Assistance Services (English)توافر خدمات المساعدة اللغوية – قسم الحقوق المدنية (Arabic)语言协助服务现成可用 (Simplified Chinese)語言協助服務現成可用 (Traditional Chinese)Magagamit na Mga Paglilingkod Ukol sa Tulong na Pangwikain — Sangay sa Mga Karapatang Sibil (Filipino)Disponibilité de services d'aide linguistique (French)[언어 지원 서비스 이용 – 인권국 (Korean)Disponibilidade de Serviços de Assistência Linguística – Divisão dos Direitos Cíveis (Portuguese)Управление по делам о нарушениях гражданских прав (Russian)Disponibilidad de servicios de asistencia lingüística (Spanish)Sự Sẵn Sàng của Dịch Vụ Hỗ Trợ Ngôn Ngữ (Vietnamese)**CRIMINAL**

Contact your local FBI field office to report incidents of:

- Hate crimes;
- Excessive force or other Constitutional violations by persons acting as law enforcement officials or public officials;
- Human trafficking and involuntary servitude;
- Force, threats, or physical obstruction to interfere with access to reproductive health care services;
- Force or threats to interfere with the exercise of religious beliefs and destruction, defacing, or damage of religious property; or,
- Force or threats to interfere with the right to vote based on race, color, national origin, or religion.

You can find your local office here:

<https://www.fbi.gov/contact-us/field-offices>

Please include as many details of the incident as possible, such as the dates and times; names of possible witnesses; and supporting documents, such as police and medical reports, or photographs.

You may also mail a written copy of the complaint and materials you submitted to the FBI to the Criminal Section at:

US Department of Justice
Civil Rights Division
Criminal Section - 4CON
950 Pennsylvania Avenue, NW
Washington, DC 20530

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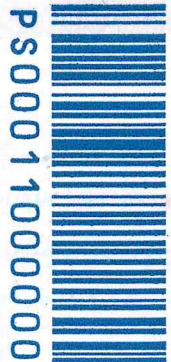
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Randall-Keith:Beane
Reg. #52505-074 - FCI Elktion
P.O. Box 10
Lisbon, Ohio (44432)

LeAnna R. Wilson
Clerk, U.S. District Court
800 Market Street, Suite 130
Knoxville TN (37902)

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