

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

ROBERT BROWN, JR.,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-14-299234-1

Docket No: 85061

RECORD ON APPEAL VOLUME 8

ATTORNEY FOR APPELLANT
ROBERT BROWN, JR. # 6006120,
PROPER PERSON
330 S. CASINO CENTER BLVD.
LAS VEGAS, NV 89101

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

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1 THE SCHOONER EXCHANGE, 11 U.S. (7 Cranch) at 124
2 (Argument of the Attorney General) The jurisdiction
3 over things and persons, is the same in substance. The arrest
4 of the thing is to obtain jurisdiction over the person.⁽¹⁾
5

6 For the principal laws making the Owner responsible
7 for his injurious property/"thing", see EXODUS 21.28-36; and
8 NRS 200.240.

9 With regard to those that remain and constitute the
10 Church of Yahweh or Messiah, a court cannot use in rem,
11 or "attachment" jurisdiction to circumvent the requirement of
12 obtaining jurisdiction over the 'person'. This is because
13 the Church (Subject) owns the Church (Object) and has, as a
14 matter of law, a ~~person~~ who is not only assigned to protect
15 and defend its rights, but makes the ~~property~~/"thing" of the
16 Church unavailable to the secular, because it is the Soul.
17

18 MAITLAND, *The Corporation Sole*, 16 L.Q. Rev. 335 (1900)

19 The Church (subject) owns the Church (object). [emphasis orig.]
20

21
22 ZOLLMAN, *Nature of American Religious Corporations*, 14 Mich. L. Rev. 37 (1915-16)
23 "In considering the effect which incorporation has on the
24 church and society these two must be carefully distinguished.
25 An unincorporated church, so called, if it has any interest in
26 property at all, presents a two-fold aspect. It has a body,
27 the society, with which courts can deal, and a soul, the church,
28 with which courts cannot deal.

1 Since the church is thus entirely removed from temporal
2 control it follows that incorporation will not affect it in the
3 least. The spiritual entity created by spiritual means can neither
4 be swallowed up nor affected by a temporal corporation created
5 under temporal statutes."

8 Yahweh is clear in Scripture when He says, "All souls are
9 Mine." EZEKIEL 18.4. He is also clear that the Soul/Church is not
10 only made a Slave/"thing" to Yahweh, but provides for its
11 Redemption or Freedom, which is a spiritual mission of His
12 Religious or Spiritual society, or Church.

15 Because corporate Israyl has been conquered by Gentiles,
16 its "Religious" society has necessarily been reduced and restricted
17 to that of the Gentile's secular/profane "Civil" society. Israyl is
18 now a secular/profane "Civil" state corporation, by man's laws.

20 ZOLLMAN, Powers of American Religious Corporations, 13 Mich. L. Rev. 646 (1914-16)
21 "Every corporation must act according to its nature;" at 664

23 "... a religious corporation cannot... buy... slaves with the
24 purpose of emancipating them..." [citations omitted], at 665

26 Remember: "All [religious corporations in the U.S.] are private,
27 civil corporations..." id., at 646. See p. 44, supra.

① However, with regard to quasi in rem (foreign attachment) jurisdiction over foreign sovereigns and their "things"/subjects, U.S. law is clear that:

"[quasi in rem jurisdiction] is in all essentials of jurisdiction the same as jurisdiction strictly in rem, so far as property is concerned; but no power can be assumed over the person because of the power over his property..." BEALE, The exercise of jurisdiction IN REM To Compel Payment of a Debt, 27 Harv. L. Rev. 107 (1913).

Such a process is also further defeated by the fact that the "thing"/res (Church/Soul) is an intangible property that exclusively belongs to Yahweh alone. And U.S. law concedes that a certificate of title to such intangible foreign property can be attached only in that place where the corporation books legally exist, that is, at the domicile of the corporation. id., at 111. And the Head/Founder of the corporation of Messiah is in HEAVEN!, thus no State can "actually possess" title to the intangible "things" of Yahweh.

Put another way: a certificate of title to the birth of a "person" (straw man) is also not held in Nevada's jurisdiction, but is held at the foreign territory called Washington D.C., in the Department of Commerce!

Before Israel was assumed "incorporated" into a strictly secular/profane State corporation, it is important to bear in mind that the "Parson" of its Church was not only in Holy orders, but was also ~~not~~ instituted and inducted by the Religious society (Body), but by his superiors of the Ecclesiastical Church (Soul).

1 BLACKSTONE, Commentaries on the Laws of England, § 376

The method of becoming a parson or vicar is much the same. To both there are four requisites necessary: holy orders; presentation; institution, and induction.

MAITLAND, *The Corporation Sole*, 16 L.Q. Rev. 335 (1900)

"The parson was to be instituted and inducted by his ecclesiastical superiors."

It is also important to bear in mind that, for the spiritual Church as a Corporation Sole, it is only the Natural Man that can be its corporator.

MAITLAND, *supra*, at 353

But to all appearances there can be no legal transaction, no act in the law, between the corporation sole and the natural man who is the one and only corporator.

1 It is therefore an absurdity that a secular Civil corpo-
2 ration (the UNITED STATES) can have a right to "attack" or
3 otherwise "deal" with the property/"things" of Yahweh (the
4 Church/Soul), because: (1) a State is a 'juristic person', and
5 the full rights of the property of an Ecclesiastical Church
6 of Messiah inheres only in its Parson who is a Natural Man,
7 which a State is not; and (2) such a 'juristic person' (a State)
8 is not in holy orders, but in secular/profane orders; and (3) a
9 State is an aggregate corporation, and under such theory no
10 Trustee can do anything with the property of any Church/Soul
11 without a "declared" or "implied trust" from said Church. And
12 no aggregate corporation can succeed in a claim of obtaining
13 either "trust" from an Ecclesiastical Corporation Sole of Messiah,
14 because an aggregate corporation must have a minimum of
15 3 Trustees who act as corporators, and said Corporation
16 Sole only authorizes one Natural Man as corporator!; and
17 (4) Trustees in an aggregate secular corporation are 'juristic
18 persons' who, as such, are inherently not in holy orders, as
19 required by an Ecclesiastical Corporation Sole. Trustees, there-
20 for, can do nothing with the property of Yahweh, nor of the
21 Church/Soul, unless her society is, in law, regarded as a
22 secular/profane Civil corporation (Body), which an Ecclesiastical
23 Corporation Sole of Messiah does not have.

24
25 No device of a secular State, therefore, can reach to
26 expressly or "impliedly" gain in rem jurisdiction over the property
27 of an immune Sovereign (e.g., Yahweh), merely because its courts
28 know He cannot, or will otherwise not consent to its jurisdiction

1 over His 'person'.

3 YEREMIAH ("JEREMIAH") 49:19

4 For who is like Me [Yahweh]?

5 Who will arraign Me [Yahweh]?

6 And who is that shepherd who will withstand Me? [emph. mine]

8 NELSON, *Sovereign Immunity as a Doctrine of Personal Jurisdiction*, 115

9 Harv. L. Rev. 1559 (2002):

10 (Recognizing the protections afforded to ambassadors and
11 other public ministers under the law of nations, and providing
12 criminal punishments for suing forth any writ or process
13 either to arrest their persons or to attach their goods) (citing,
14 Act of Apr. 30, 1790, ch. 9, 25-26, 1 Stat. 112, 117-18) [emphasis mine]

16 COMMONWEALTH V. KOSLOFF, 5 Serg. & Rawle 545

17 (Pa. Ct. Ayer & Terminer Phila. 1816) (Tilghman, C.J.) (noting that
18 "by the modern law of nations, Ambassadors, and other public
19 ministers, are, in general, exempt from criminal prosecutions")

21 U.S. V. ORTEGA, 24 U.S. (11 Wheat.) 467, 473 n.a. (1826) (reporter's note)

22 (observing that an ambassador, or other public minister,
23 cannot be proceeded against in any civil case by compulsory
24 process in any Court whatever")

27 A court's *in rem*, or "attachment" jurisdiction over a
28 Sovereign's property/"things" (slaves or goods, etc.) is a compulsory

1 or "mesne process" for coercing or otherwise impliedly
2 gaining the "appearance" of such a "person" in its court.
3 This cunning device may work against those assumed to be
4 "popular Sovereigns" and "common law Sovereigns", but it fails to
5 reach immune "law of nations" Sovereigns; and even less the
6 Supreme Sovereignty of Yahweh.

7 Thus, when a court unlawfully exercises in rem, or
8 "attachment" jurisdiction over professed Church members of
9 the Ecclesiastical Sole Corporation of Messiah (the property/
10 "thing" of Yahweh), it is also subjecting itself and the State
11 to prosecution for a judicial Act of War against an immune
12 Supreme Sovereign and Enemy of its State; because the court
13 knows that it can never obtain 'in personam jurisdiction'
14 over Yahweh. Therefore, a court could never enter a judgment
15 against Yahweh, or else His property/the Church. Because, like
16 ambassadors (literally, servants), the immunity which they have
17 extends to their immediate family members, personal employees,
18 and attendants.

19 It is universally known that the Head of the Church
20 (Messiah) is called the Servant (Ambassador) of Yahweh. It
21 is without question, therefore, that the members of His Church
22 are protected by His immunity, as undoubtedly being His
23 immediate family members, personal employees, or else
24 attendants.

25 Moreover, it is a matter of Revelation that, in the dealing
26 of things, the "merchants of the earth" would "trade" the "bodies and
27 souls of men" like "merchandise". REVELATION 18.11-13

WEISS'S Concise Trustee Handbook, 2nd ed.

"Though all courts are familiar with in personam (against persons), it is the action in rem (against things) which though practiced only in Maritime Law, stealthily operates in every civil and criminal court. This principle is one of the least understood in its entirety.

In rem jurisdiction over a man or woman can only exist if the man or woman is a slave, i.e., property or res (an object), in which case his or her disposition at law is no different than if he or [s]he were a horse or other goods. See THE ZONG (Gregory v. Gilbert), 99 E.R. 3:233 (K.B. 1783). In nature, in rem jurisdiction is exercised over men and women by their Creator, exclusively. Governments can therefore gain only a fictional in rem jurisdiction over men by creating various legal devices (personas) for those men to assume limited control of (e.g., citizen, taxpayer, driver, etc.). Since the device is legal fiction, a falsehood made true by force of law, this persona is in fact a legal object or RES... AMERICAN LAW & PROCEDURE, vol. XIII, ch. V, § 65, pp. 156-157.

"The words persona and personae did not have the meaning in the Roman which attaches to homo, the individual, or a man in the English; it had peculiar reference to artificial beings, and the condition or status of individuals." (quoting Gaius, 'person' defined).

"When we speak of a person, we only consider the state of the man, the part he plays in society, abstractly, without considering the individual." 1 BOUV. Inst, note 1.

The only "part", therefore, that one's 'person' can play in a State's secular Civil society after entering into the Church (a public Ecclesiastical Corporation Sole), is that of a DEAD 'PERSON' because "Civil Death" is the consequence of such act! See 1 BLACKSTONE supra, at p.25. Such civilly dead 'persons' no longer owe a commoner's Civil standard of Duties to secular society, but Civil society still owes them Rights, because they still exist. And it goes without saying that no dead person can commit a secular statutory crime against persons in a Civil society, let alone when its secular criminal law requires able persons to not fail a civil Duty owed to others, as the standard by which 'wrongs' are measured.

This necessary application of the exemption of civil Duties from the civilly dead is manifest even by Nevada's own acknowledgment of the civil death of a Parent, when the Parent-Child relationship has been severed by the State. See DRURY v. LANG, 105 Nev. 430 (1989) (holding that severance of the parent-child relationship is "tantamount to imposition of a civil death penalty"). Such a person's role is dead with regard to his civil Parent - civil Child relationship, but not with regard to his civil Citizen - civil State relationship. Thus, the State and Child still owe that person (civil Citizen) Rights, although he no longer owes civil Duties of a Parent. And because that 'person' still exists in a civil Citizen - civil State relationship within secular society, he can still sue and be sued by the State.

Those Rights, therefore, that secular civil society still owes to the Spiritual, or Religious who has entered into the Church

1 (a public Ecclesiastical Corporation Sole of Yahshua Messiah),
2 are those Rights belonging to the Church. Because the
3 Spiritual is not merely severed from a civil Parent - civil
4 Child relationship, but from the complete civil Citizen -
5 civil State relationship. If those Rights were otherwise, a
6 secular civil State would be left with the absurd proposition
7 that it can exact civil citizen Duties/Debts from a DEAD
8 'PERSON' that can no longer even 'act' in a State's secular
9 civil society, but remains dead and unresponsive amongst
10 other things.

11 Now the State fancies itself as having the ability to
12 render "civilly dead" a person, with respect to his capacity
13 to act as a Parent, if something is done that causes a
14 forfeiture of that right. This operation of the law has
15 serious implications for the State, with regard to Yahweh
16 and the Church. For Yahweh is not only "a Father to Israel"
17 (YEREMIAH 31.9), but also "a father of the fatherless" (PSALMS
18 68.5), notwithstanding one's physical lineage. In England
19 also, the King is said to be a "father" to the people. And
20 the UNITED STATES had all the rights and sovereignty of
21 its former King transferred to "the People". See p.37, supra.
22 As sovereign, "the People" are not a father to everyone in
23 the UNITED STATES, but a father to the fatherless. A maxim
24 of law clarifies this.

25

26 BOUVIER'S, Law Dictionary (1856), MAXIM:

27 "Cui pater est populus non habet ille patrem.

28 He to whom the people is father, has not a father. Co. Litt. 123."

I have previously mentioned that there is always a remnant associated with the Church, because they are made holy ("consecrated") to Yahweh (e.g., the firstborn males, EXODUS 13.11-16). Notwithstanding the fact that a sovereign may possess slaves/"things", the Law of Yahweh commands that the firstborn males be emancipated by "redeem[ing]" them when born (v.13). But I have also shown that the State's civil Churches "cannot... buy... slaves with the purpose of emancipating them." ZOLLMAN, *supra*, p.54. The State, therefore, as a father to the fatherless, is also necessarily dead/cut off by the Law of Yahweh, for likewise failing the Duty to Redeem the firstborn males. The fatherhood, therefore, falls to Yahweh. At this point, the State (a civilly Dead parent) engages in criminal Collusion with civilly dead biological parents, for the purpose of buying/trading those firstborn males for nothing of any intrinsic value to the signer, except their Certified receipt (Birth Certificate). But those firstborn males belong to Yahweh, from whose possession neither dead party can prove they can "draw" out of, let alone have a Right to sell. The selling of one's children into servitude is a Parental right/privilege, which neither dead party has any longer. And because those firstborn males were unlawfully sold for nothing, Yahweh has the Right to Redeem them for NOTHING!

ISAYAH 52.3

"For thus says Yahweh: You have sold yourselves for nothing, and you shall be redeemed without money."

1 Because the People, as a father to the fatherless, is
2 incapable of, or otherwise refuses to Redeem the firstborn
3 males, it necessarily Abandons or else Forfeits to Yahweh,
4 the Supreme foreign Sovereign Father, title to / possession
5 of those firstborn males. And since it takes the supreme
6 sovereign power of a State (the collective People) to act as -
7 or rather, to become dead to acting as - a father to the
8 fatherless, a 'dead' supreme sovereign can never exercise
9 sovereign power of forcibly taking custody of those firstborn
10 males that it recklessly Abandoned. Yahweh is clear in His
11 rebuke of secular kings/sovereigns for their sakes.
12

13 PSALMS 105.13-15:

14 "When they went from one nation to another people,
15 He permitted no one to do them wrong; Yes, He rebuked
16 kings for their sakes, saying, "Do not touch My anointed
17 ones, and do My prophets no harm."
18

19 With regard to all the members Consecrated to the
20 Service of Yahweh (Anointed Ones), a State's position is
21 worsened by the fact that the Church (an Ecclesiastical
22 public Corporation Sole) does not have a fictitious corporate
23 name of a juristic legal 'person', by which a secular court
24 can gain her 'implied' consent to in personam jurisdiction.
25

26 O'HARA, The Modern Corporation Sole, 93 Dick. L. Rev. 23 (1988)

27 "The [old common law] corporation sole lacks the usual
28 trappings of a corporation. It does not have...[a] corporate name."

1 See, MAITLAND, *supra*, p. 48; and McDANIEL, *supra*, p. 33. And
2 neither can a secular/profane court consider members of a
3 holy Ecclesiastical Corporation Sole as 'consolidated' within
4 the nature of such a common profane State corporation.
5

6 ZOLLMAN, Powers of Religious Corporations, 13 Mich. L. Rev. 646 (1914-1915)
7 "At common law, corporations had no power to consoli-
8 date... Under modern corporation acts, such power to consoli-
9 date is sometimes granted, subject to certain conditions....
10 Nor can such consolidations be effected unless the cor-
11 porations are of a similar nature."
12

13 Not only is there the incompatible nature of a profane
14 State and holy Church, but also a private Aggregate and
15 public Sole corporation, respectively.
16

17 It is clear then, that, since an Ecclesiastical Cor-
18 poration Sole has no corporate name, there is never any
19 juristic 'person' for a court to gain 'implied' in personam
20 jurisdiction over, by the device of seizing an Accused
21 member thereof, in his capacity as a "thing"/res! Further-
22 more, such a Corporation Sole is given whatever non-juristic
23 spiritual name its founder only chooses it to be commonly
24 known by. Thus, no court can arbitrarily supplant its spiritual
25 name for that of an Accused member's 'legal', albeit, civilly
26 dead secular Straw Man/Corporate name. But that has
27 been precisely what courts have been doing to known (judicially
28 noticeable) professed members of said Church. Again, it
has been committing the crime of "simulating legal process"

1 against members of the ancient Church. And I should briefly
2 interject here, against any claim that no such common law
3 "old" Corporation Sole exists, by the answer that no cor-
4 poration can 'die' without proof that it has ceased to
5 have official meetings. And the Seventh-Day/"Saturday"
6 Sabbaths of the Church are the official Days in which
7 the people of Yahweh meet!

8 And since the case at bar occurred at a private
9 place for worship on a Seventh-Day Sabbath of Yahweh,
10 the State must protect the Accused by its Ministerial
11 Exception, whereby no secular standard of conduct can
12 be used against him during times of official service.
13 In fact, by counterclaim, the Accused demands the right
14 to have all "necessary parties" "present", which would manifest
15 the fact that this is a criminal case, illogically brought by an
16 enemy secular State, against the Creator Yahweh and His
17 Church. Put another way: in U.S. law, a contract (agreement)
18 to jurisdiction is done between legal "persons" (the "State"
19 and a "Citizen" of a State), but the Church is never a "person",
20 but a "thing". Thus, as far as it concerns the individual
21 spirituals of the Church, a State's claim of gaining an
22 "implied consent" (agreement) to "in personam" jurisdiction
23 over them, is "Void ab initio"; and a plain criminal act of
24 "simulating legal process." The State's only alternative, then,
25 is to make such a member seized, as a quasi in rem
26 (Foreign attachment), which makes not the "thing", but Yahweh
27 (the Owner of the "thing"), the "person" over whom "in personam
28 jurisdiction" is aimed at in such a "Personal Action" seeking

payment of a debt, due to injury. But Yahweh is no legal "person," and no default judgment can be entered against a foreign immune Sovereign without His "appearance" in court. Every criminal process, therefore, brought by the State against such members, can amount to no more than a "Real Action" against a "thing," which penalties do not comport with those sought by criminal statutes. But since the State does not know Yahweh and His spiritual "things," a maxim of law would further defeat a State's position.

BOUVIER'S, *Law Dictionary* (1856), MAXIM:

"Quod nullius esse potest, id ut alicujus fieret nulla obligatio valet efficere.

Those things which cannot be acquired as property, cannot be the object of an agreement. Dig. 50, 17, 182."

"Oportet quod certa res deducatur in judicium.

A thing, to be brought to judgment, must be certain or definite. Jenk. Cent. 84."

Scripture is clear that the holy Church is contemplated as the Wife of the One holy Son of Yahweh. EPHESIANS 5.22-33. He could not, therefore, be imagined as having adulterously permitted a profane 'person' (State) freedom to "touch," let alone "acquire," His Wife, and thereby afford a State a claim that it can punish or otherwise enter a judgment against such foreign property.

1 It is also clear that U.S. and Nevada law have
2 not, nor indeed can they, define/make definite the Church
3 (a public Ecclesiastical Corporation Sole of Messiah), her
4 boundaries, or rights, etc. States have only gone so far as
5 to define its own private civil churches, but not as
6 municipal corporations, which Ecclesiastical Corporations
7 Soles are, but merely as private business handmaids cre-
8 ated by States.

9
10 ZOLLMAN, Nature of American Religious Corporations, 14 Mich. L. Rev 37 (1915-16)
11 "To sum up: The modern American religious corporation
12 in its relation to the state is, unlike its predecessors, in
13 no sense a public municipal body but a mere private
14 corporation created by the state for the benefit of
15 the corporators and those connected with them. In
16 its relation to the church it [the religious corporation/the
17 associates of the church] is not a spiritual agency with
18 powers to preach the gospel and administer the sacra-
19 ments but a humble handmaid whose functions are
20 confined to the creation and enforcement of contracts
21 and the acquisition, management and disposition of
22 property. The corporation thus has neither public nor
23 ecclesiastical functions, being a mere business agent
24 with strictly private secular powers."

25
26
27 However "reasonable" it may be thought of, that an
28 American church must forever be shamefully made a mere

1 unmarried/unmerged "business partner" of a State, it is
2 obvious that such a shameful status cleverly provides
3 the State with an "agreement", and hence jurisdiction
4 over the property ("things"/servants) of such a church, which
5 a State would not otherwise have, if the Church were a
6 married/merged Ecclesiastical Corporation Sole of Messiah!
7 For its own cunning purposes, states have effectively
8 prohibited Marriage/Mergers, even the recognition of the
9 common law type. And that amounts to a Bill of Attainder.

11 1TIMOTHY 4.1-3

12 "Now the Spirit expressly says that in latter times
13 some will depart from the faith giving heed to deceiving
14 spirits and doctrines of demons, speaking lies in hypocrisy,
15 having their own conscience seared with a hot iron, forbidding
16 to marry..."

17
18 Unlike an Ecclesiastical Corporation Sole which is only
19 a "Thing" with no corporate name, American churches are
20 artificial "persons", which is their fictitious corporate names.

22 In all hypocrisy U.S. courts say:

24 BEASTON V. THE FARMERS' BANK OF DELAWARE, 9 Fed 1017 ()
25 "Persons, in law, are artificial as well as natural
26 persons; and in the act of Congress there is nothing which
27 is not equally applicable to both."

1 From the aforementioned, it is obvious that a
2 secular state can have no jurisdiction over an Ecclesiastical
3 Corporation Sole of the Messiah. The UNITED STATES, more-
4 over, must be said to be under a Treaty with whom it
5 believes is the absolute Sovereign Creator, since it says
6 it is "one nation under God." 4 USCS, §4. The founding
7 forefathers clearly expressed that the purpose of their
8 King's charter was to establish "christian" colonies
9 in this country. And "christians," like Israyl, universally
10 believe that Yahweh made a Covenant (Treaty) with all
11 believers. And because Yahweh has no equal, His Covenant
12 (Treaty) is unilateral, requiring only an individual's assent
13 or implied consent. When there is such a Treaty, it is
14 understood that "reciprocity" must be shown by an
15 inferior State, in order to exercise jurisdiction over
16 those in Covenant/Treaty with Yahweh.

17
18 BEALE, Jurisdiction of Courts Over Foreigners, 26 Harv. L. Rev. 193 (1912-1913)
19 "This principle of jurisdiction [reciprocity] was
20 probably first invented by the compilers of the French
21 civil code. According to its doctrine a court may
22 exercise jurisdiction of a foreigner wherever the courts
23 of the foreigner would, under the same circumstances,
24 have exercised jurisdiction over its citizens."

25
26
27 It is clear, therefore, that no case would be
28 brought by the government of Yahweh, under circumstances

1 where a murder suspect like the Accused has only one
2 witness against him in the case at bar, and not the
3 required two or three witnesses. DEUTERONOMY 17.6. It
4 must also be remembered that there is only capital
5 murder and manslaughter in Biblical Law; that is, there
6 are only the penalties of death and exile, respectively.
7 Moreover, under the government of Yahweh, a court would
8 actually be left with no witness in the case at bar,
9 since it does not accept the testimonial evidence of
10 women. (p Joma 43^b)

11 Under the U.S. Constitution, "full faith and credit"
12 must be given to the laws of a foreign sovereign. And no
13 court can feign ignorance of, nor reject the "judicially
14 noticeable" public facts that, Biblical Law in no way
15 requires formal documentation: (1) to make firstborn
16 males sanctified (holy) to Yahweh; (2) to effect civil death
17 upon parents who abandon their duties to their children;
18 and upon those who leave citizenship of a State by entering
19 the Church; (3) to Expatriate, or become citizens of a foreign
20 Sovereign; (4) to effect Redemption, or Freedom from bondage;
21 and (5) to effect the protections of the foreign sovereign
22 immunities of the Church; etc. Indeed, imputation of
23 this knowledge to every State is necessary today, due to
24 the fact that computers store this information about
25 individuals. Male births are recorded. The rituals of baptism
26 for official members of a Church are recorded. Open professions
27 in courts are recorded, as well as those made on the internet.
28 Can a court intentionally (willfully ignore) these facts? Is it

1 not a federal crime for an individual to intentionally (by
2 willful ignorance) carry any unlawful thing across
3 jurisdictions, while intentionally (by willful ignorance) avoiding
4 awareness of where another placed, for the individual,
5 the unlawful possession of such a thing?

6 A few examples of matters cognizable in man's
7 laws, which are effected by mere assent or implied
8 consent, ought to demonstrate the extent to which
9 courts (judges, prosecutors, and defense attorneys) intentionally
10 (by willful ignorance) carry over foreign "things" into its
11 unlawful jurisdiction. Under 8 USC § 1481 (Ann.) are
12 the following admissions:

13
14 • A person performs an expatriating act with
15 the intent to renounce his citizenship whether or not
16 he knew act was expatriating act. RICHARDS v. SECRETARY
17 OF STATE, DEPT. OF STATE (1985, CA9 Cal) 752 F.2d. 1413.

18
19 REM. The observance of the amnesty Passover ritual,
20 is for the recognition of the "exodus"/departure (hence,
21 expatriation) of believer, as provided by the Supreme
22 foreign Sovereign who is Yahweh.

23
24 • A person's right to expatriation is not dependent
25 upon consent of government. U.S. ex rel WRONA v. KAMUTH,
26 (1936, DC NY) 14 F. Supp. 70.

1 • Expatriating conduct may be such as to indicate
2 an "implied renunciation of tie." In re R---S--- (1958, BIA)
3 71 F.N. Dec 718.

4
5 REM. "Allegiance is the tie, or ligamen, which binds
6 the subject to the king, in return for that protection
7 which the king affords the subject." 1 BLK. Comm., §§ 354-56.
8 And allegiance is effected by "an implied, original, and virtual
9 allegiance... antecedently to any express promise; and although
10 the subject never swore any faith or allegiance in form." id,
11 at §§ 356-57.

12
13 • A person who takes a foreign oath of allegiance
14 to a king, in an informal proceeding, loses his former
15 citizenship. REVEDIN v. ACHESON, (1952, CA2 NY) 194 F.2d. 482.

16
17 REM. Yahweh is obviously a "foreign" king, who has
18 provided the necessary informal, implied, original, tie
19 of allegiance through His Passover ritual, etc. It necessarily
20 follows that the members of a "foreign Ecclesiastical
21 Corporation Sole of the Son of Yahweh" cannot be a
22 citizen of a state, or of the United States." See RUNDLE,
23 supra, p. 49.

24
25 • A person may renounce his nationality with or
26 without a claim of allegiance to another nation. DAVIS v.
27 DISTRICT DIRECTOR, IMMIGRATION & NATURALIZATION SERVICE
28 (1979 DC Dist Col) 481 F.Supp. 1178.

1 REM. At birth, a "person" is, under U.S. law, assumed
2 to be in allegiance as a Citizen of a State, by his assent
3 or implied consent. But "obligations of naked assent"
4 are dissolved by similar naked assent." BOUVIER'S,
5 Maxims, supra, pp. 27-8. A State must, therefore, accept
6 as valid, the assent that effects the binding tie of
7 allegiance to Yahweh and a professed member of
8 such a "foreign" Ecclesiastical Corporation Sole of the
9 Son of Yahweh, when asserted in a court, or judicially
10 noticeable by some other record.

11
12
13 Due to the aforementioned points, the Accused
14 directs attention to the attached AFFIDAVIT containing
15 judicially noticeable facts, and assertions made to defense
16 attorneys and Nevada's district court, that the Accused
17 belongs to such a "Church."

CONCLUSION

From the perspective of the Civil aspect of the Supreme Biblical Law of Yahweh, the UNITED STATES is an inferior private corporation that is civilly dead, due to abandoning and forsaking the Accused as a firstborn male and fatherless child who, otherwise, would naturally share the supreme sovereign immunities of the People, as a father to the fatherless. Such immunities include the pre-existent Church's immunity from a State's secular criminal prosecution, called Benefit of Clergy, which was expressly abolished by statutes for "persons" as citizens, but does not include the greater supreme sovereign ("the People"), since they must be expressly named. Because of the civil death of the People, the fatherhood falls to Yahweh, which necessarily places the Accused in His pre-existent Church. And because the supreme sovereignty of the UNITED STATES ("the People") have "divorced" themselves from the Union of Church and State, and are now civilly dead, there no longer remains a supreme sovereign power, which is required to also be in actual possession of a foreign supreme sovereign's property or "thing"/res, before a court can exercise jurisdiction over it. Furthermore, it is understood in secular law that the "res" is one's persona or straw man, over which a court gains its fictional jurisdiction. And like other incorporeal property that one may be the owner of, or hold title to, the State, e.g., created birth certificates as the instrument to hold title to one's persona or straw man. If, however, an individual is a foreign-born citizen under the protection of a foreign sovereign, as his "thing"/slave, the State of Nevada, e.g., can

1 only obtain jurisdiction if it can show that the title to
2 such property has a situs or location within the control
3 or power of the court. Typically, that is not a problem,
4 since birth certificates are created around the world and
5 have a location where they are reachable in cases of liens, or
6 seizure, for example.

7 The Kingdom of Yahweh also records and holds title
8 to all of its citizens' spiritual births. The situs or location
9 where the names of His citizens are accounted for in "Books",
10 is heaven itself. At this point it should be plainly obvious
11 that no man on earth can find, let alone seize, control,
12 or exercise power over, these created records or books, in
13 order to gain in rem, or quasi in rem (foreign attachment)
14 jurisdiction over any citizen of the Kingdom of Yahweh, which
15 members of the Church are. Such a person must be in
16 actual possession of such documents or records, which no
17 state, court, or other earthly power can do.

18 Nevada's position does not reach this far, however, because
19 when a civilly dead supreme sovereign of a country has lost its
20 jurisdiction over a matter, it cannot use its inferior State
21 court's sovereignty ("the People" of Nevada) to circumvent that deficiency.
22 The civil death of the UNITED STATES, and its apo-state status
23 ("separation") from the Church of Yahweh, at the Federal level, includes
24 the State level.

25 These matters are at the civil aspect of law, and the
26 UNITED STATES must give "full faith and credit" to the laws of a
27 foreign sovereign power. And "judicial process," and other processes
28 of law are derived from the civil aspect of law, and its civil

1 principles. In the Biblical Law of Yahweh, His government
2 does not give jurisdiction over any individual accused of a
3 capital offense when the Accuser has only one eye witness;
4 nor when the witness is a woman. DEUTERONOMY 17.6; and p. Joma
5 43^b respectively. In the case at bar, the Accused is in exclusive
6 allegiance to the "foreign" Government of Yahweh. And under the
7 principle of jurisdiction called "reciprocity", no court of the
8 UNITED STATES can exercise jurisdiction of a foreigner, unless
9 "the courts of the foreigner would, under the same circumstances,
10 have exercised jurisdiction over its citizens." BEALE, Jurisdiction
11 of Courts Over Foreigners, 26 Harv. L. Rev. 193 (1912-1913).

12
13 It is the position of the Accused that the Supreme Court
14 must bear such a matter, whereby the Accused asserts his
15 exclusive allegiance to, and foreign sovereign immunity of, the
16 pre-existent public Corporation Sole called the Church of Yahweh;
17 because the circumstances, herein, that has rendered the
18 Executive branch civilly dead, logically preclude it from being
19 sought for a "suggestion of immunity". Furthermore, it cannot
20 be a matter for the Legislative branch, because not only
21 is it responsible for writing the law which effectively
22 caused the civil death of the UNITED STATES, but its Foreign
23 Sovereign Immunities Act "addresses neither head-of-state
24 immunity, nor foreign sovereign immunity in the criminal context."
25 UNITED STATES v. NORIEGA, 117 F.3d 1206, 1212 (11th Cir., 1997). Cf. also
26 SAMANTAR v. YOUSUF, 130 S.Ct. 2278, 2291 (2010). Put another way:
27 it is the express will of the Legislature that the UNITED STATES
28 not only be an offender against the divorce laws of Yahweh, by

1 "separating" her, but that she also be made civilly dead by
2 His Law for abandoning and forsaking the firstborn males
3 and the fatherless. Thus, the Accused alone, who is a firstborn
4 male and fatherless, cannot logically be expected to appeal
5 to, let alone be fairly heard by, the very branch responsible
6 for said civil death, since that would necessarily involve the
7 unreasonable belief that that Legislature could write a law
8 which would effectively reverse its will for all, at the petition
9 of one man.

10 But the Supreme Court, as the Judicial branch, can annul
11 the laws of the Legislature, if for an individual case only; but
12 not because it is not itself civilly dead (since it is obviously
13 included in the two-thirds majority rule that constitutes
14 the UNITED STATES). But rather, because it can speak to the
15 truth that the laws of the Legislature, which are the express
16 will of the People of the UNITED STATES, only extend to the one-
17 third minority by a legal fiction. Such an aggregation of wills
18 by a two-thirds majority rule, necessarily disregards and
19 overrules the wills of one-third of the population.

20 Because of the firstborn male status, and fatherless
21 status of the Accused at the age of 9, Yahweh has the exclusive
22 right of Fatherhood to the Accused, as explained in ARGUMENT.
23 Furthermore, allegiance to the UNITED STATES is obtained
24 by an informal "implied original" oath, or naked assent, from
25 the time of a person's birth, which means its government has
26 never obtained or demanded a formal oath of allegiance from
27 all of its citizens. If it needed a formal oath, the Accused
28 could show that the UNITED STATES Government cannot even

1 argue that the Accused presumptively owes it allegiance, by
2 demanding that the government produce a signed formal document
3 of allegiance, which it knows it does not have. The government
4 cannot, therefore, deny that allegiance to Yahweh, a "foreign"
5 King, is likewise obtained by an informal "implied original"
6 oath, or naked assent. The U.S. Government also cannot demand
7 a formal renunciation, because such informal ties that
8 bind are, in law, loosened by the same informal means. Other-
9 wise, the government would first have to produce a formal
10 renunciation to Yahweh, since He created one man first, who,
11 having no other to be subject to, could only owe Yahweh
12 allegiance.

13 The Government of the UNITED STATES has no jurisdiction
14 over the Accused, who is known as Ariyl, a spiritual parson.
15 Simulating legal process is a criminal offense against a
16 sovereign, and an Act of War and Hostility, which is imputed to
17 the entire nation of the UNITED STATES, as its own willful
18 Act.

19 Ariyl is legitimately foreknown and foreordained as
20 an official representative Gentile convert to the re-newed
21 Israylite Kingdom of Yahweh, under His Son Yahshua the
22 Messiah (the Anointed One). As such, the Accused should be
23 declared immune, and released. To do otherwise, is to boldly
24 imagine that this nation cannot only commit an Act of War against
25 the Kingdom of Yahweh, but can stop Him From destroying it for doing so.
26

27 DATED: May 14, 2020 C.E.

ROBERT BROWN-6006120 (legal Person-lay Corp.) by

Ariyl LEX44 (spiritual Parson-Corp. Sole)

AFFIDAVIT

I, ROBERT BROWN JR. (a legal person - lay corporation), by Ariyl (a spiritual person - corporation sole), do hereby affirm under penalty of perjury, that the foregoing facts are true and accurate to the best of my knowledge and ability. Such facts show the State's prior knowledge that: (1) the Accused is a propositus by common law, being born against man's laws (bastardy), but within the "law of nature"; and (2) the Accused has expatriated.

1. Born in 1969, the Accused (ROBERT BROWN JR.) is the only child of his then unmarried adolescent Black father (ROBERT BROWN) and unmarried adolescent Mexican-Indian mother (MARIA G. FAJARDO).

2. Said father and mother did not marry each other until the father was in prison in 1974, being himself civilly dead.

3. Said father died in 1979, when the Accused was 9 yrs. old.

4. Said mother did not remarry until 2020, which is 6 yrs. after the Accused was charged in this case.

5. While serving his only prison sentence, from 1997-2006 in California, the Accused: (1) converted to the ancient Hebrew Israylite faith, in Salinas Valley prison (2001); (2) changed his name to "Ariyl" to reflect his new spiritual life and association with Israyl; and (3) began sending monthly cash offerings to the Israylite sect, House of Yahweh, Abilene, Texas.

6. Later, while in Delano prison (2001-2002), the Accused alone established Delano's recognition of the House of Yahweh, including: (1) Delano's housing of House of Yahweh literature in the

1 prison's chapel library; and (2) allocating time, in its chapel
2 every week, for House of Yahweh services.

3 (7) Upon parole in 2006, the Accused was granted
4 written permission by his parole agent, for an out-of-state
5 leave to the House of Yahweh in Abilene, Texas, in order
6 to be officially baptized, during a week-long stay there to
7 celebrate the Israylite Passover (expatriating) Feast of Yahweh.

8 (8) In 2006, the Accused registered the unique online
9 domain "Ariyl.com", which corresponds to his existence and
10 function as a Spiritual (an "Ecclesiastical Corporation Sole"),
11 and which domain was exclusively used for publishing Ariyl's
12 own videocasts and written commentaries on the Israylite
13 faith.

14 (9) In about 2006, the Accused also registered his
15 2006 Nissan Pathfinder with the personalized license plate
16 "Ariyl".

17 (10) By common law, the Accused has lawfully changed his
18 name to "Ariyl", especially since he is known primarily, if not
19 exclusively, by this spiritual name.
20
21
22
23

24 WITNESS:

25 DILON HESS #2876767

26 

27

AFFIRMANT:

ROBERT BROWN JR. (legal person - lay corp.), by

Ariyl 4344 (spiritual parson - Corp. Sole)

28 DATED: May 14, 2020 C.E.

1 STATE OF NEVADA

Case No.: C-14-299234

2 Plaintiff

Dept. No.: XVII

3 vs.

4 ROBERT BROWN (a legal person), accused,

5 by Yahshua "Ariyl" Hakohen,

6 (a Spiritual Corporation Sole),

7 In "Pro Persona"

9 A MOTION FOR DISMISSAL BY A SUGGESTION OF IMMUNITY

10 or

11 A WRIT OF PROHIBITION, OR MANDAMUS

13 COMES NOW, the Accused, ROBERT BROWN, by Ariyl, a foreign
14 public Ecclesiastical Corporation Sole of the Son of Yahweh,
15 and hereby moves this court for a Suggestion of Immunity,

16 or Writ of Prohibition. NBAP 21(a)(1) and 17(a)(1), (10); LOW v.

17 CROWN POINT MINING CO., 2 Nev. 75 (1866); G & M PROPERTIES v.

18 SECOND JUDICIAL DIST. COURT, 95 Nev. 301 (1979); NRS 34.340;

19 Article 6, § 4 of The Nevada Constitution; SAMANTAR v. YOUSUF,

20 130 S. Ct. 2278, 2291 (2010); COMMONWEALTH v. KOSLOFF, 5 Serg. &

21 RAWLE 545, 545 (Pa. Ct. Oyer & Terminer Phila. 1816); UNITED

22 STATES v. NORIEGA, 117 F.3d. 1206, 1212 (11th Cir. 1997); and THE

23 SCHOONER EXCHANGE, 11 U.S. (7 Cranch.) 116. (1812).

25 This Motion is made and based upon all papers,
26 pleadings, and asserted facts on file, or otherwise recorded,
27 or in the possession of the court (judge, prosecutor, and
28 defense attorneys).

FACTS.

On Jan. 9, 2014, the Accused was forcibly seized in California by a warrant issued from the State of Nevada for a charge of capital murder, inter alia. At and before that time, the State of Nevada knew that the Accused is an immune foreign public Ecclesiastical Corporation Sole of the Son of Yahweh, known as "Ariyl." See attached AFFIDAVIT, and ARGUMENT.

Consequently, the Accused expressly rejected Nevada's jurisdiction by refusing to sign a Waiver to extradite, and demanded a Governor's Warrant.

At arraignment, the Accused was ready to enter a plea, and asked the court if he could do so. Judge Sciscento refused the request by insisting that an attorney be present for him. Thus, Nevada denied and manipulated the only legal opportunity when an Accused could meet its law's demand that a plea against its court's *in personam* jurisdiction, on the ground of foreign sovereign immunity, can only be made, without an attorney, at arraignment. An accused cannot make such a plea[] through an attorney. This implies leave of court, which acknowledges its jurisdiction.

See WILLIAM WYCHE, *A Treatise on the Practice of the Sup. Ct. of Judicature of the State of New York in civil Actions* (New York, Swords. 1794), at 109. See also BLACK'S, *Law Dictionary* (6th Ed.): Jurisdiction in personam.

The court postponed the arraignment for an attorney presence.

1 Since then, the Accused has fired several attorneys for
2 their refusal to hear his arguments and put on a defense
3 that Nevada's insolvent statutes cannot reach an immune
4 member of the "Church." Every attorney, in collusion with
5 the court, has gone further in usurping its position over
6 the Accused, by denying a defense that amounts to a right
7 to a trial by jury. See COLL. SAV. BANK v. FLA. PREPAID POST-
8 SECONDARY EDUC. EXPENSE BD., 527 U.S. 666, 682 (1999) (speaking
9 of sovereign immunity as a "constitutional right" akin to "the
10 right to trial by jury in criminal cases"). Cited by: NELSON,
11 Sovereign Immunity as a Doctrine of Personal Jurisdiction,
12 115 Harv. L. Rev. 1559 (2002), at 1566, n. 25.

13
14 The second attorney appointed by the court was
15 Joshua Tomsheck. At preliminary, the Accused repeatedly
16 told justice court judge Sciscento that he does "not under-
17 stand" the charges. In a meeting afterwards with
18 Tomsheck, the Accused began to explain his position
19 against the laws of the State of Nevada having
20 jurisdiction over him. The Accused also informed
21 Tomsheck that he was going to invoke his right to a
22 Speedy Trial at district court arraignment. Tomsheck
23 attempted to discourage and insist that the Accused
24 not do so.

25 At arraignment, in judge Garza's district court,
26 the Accused, again, repeatedly told the judge that he
27 does "not understand" the charges. After the judge
28 expressed her frustration with that answer, Tomsheck

1 interjected with the lie that the Accused had, in
2 depth, discussed the charges with him. Tomsheck did,
3 however, go on to inform the court that:

4
5 "My client has often conveyed to me his difficulty
6 with the American legal system and the interpretation
7 of some of our laws..." ARRAIGNMENT, July 21, 2014, at p. 4, lns.
8 12-14.

9
10 Tomsheck and co-chair Peter S. Christiansen sub-
11 sequently filed a motion to Withdraw, after the Accused
12 filed a Motion to Dismiss Counsels for irreconcilable
13 differences, and for usurping his Speedy Trial right
14 by filing a Motion for a Writ of Habeas Corpus.

15
16 The third set of court-appointed attorneys
17 were Andrea Luem and co-chair Amanda Gregory. For
18 over a year, the Accused gained no progress, or agreement
19 that included consideration of the Accused's status in
20 an immune foreign "Church."

21 The Accused subsequently filed a Motion to
22 Dismiss said counsels, and a Motion to Proceed In Pro
23 Persona, simultaneously. After a competency hearing
24 passed, district court judge Tagliatti "granted" the
25 Motions. However, unbeknownst to the Accused, Tagliatti re-
26 appointed Amanda Gregory, the non-250 qualified "dismissed"
27 attorney, as the Accused's stand-by counsel of "choice."
28 To no avail, the Accused repeatedly objected to Gregory's

1. appointment by judge Togliatti, and her presence at
2. the court dates, especially since she was not even a
3. 250-qualified attorney. These objections were responded to,
4. by Togliatti's claim that she "thought" the Accused
5. "didn't want stand-by counsel" and that Gregory was
6. merely "stand-by for stand-by counsel." But the Motions
7. Togliatti "granted" clearly request new stand-by counsel
8. of choice.

9. Notwithstanding said objections to Gregory's
10. continued presence at court hearings, a Motion for a
11. Bill of Particulars was filed for the Accused ROBERT
12. BROWN, by Ariz?, a spiritual Corporation Sole. See
13. attached Motion. The Motion demanded that the State
14. clarify who the Actor is, in its Murder statute,
15. because its "definition" does not literally name one.
16. It only names the Victim as a "human being." District
17. attorney Richard Scow said the element of the Actor
18. is a "~~person~~", but moments later said that its a "human
19. being." The Accused objected that the D.A. was "con-
20. fusing" the elements, because a "human being" is "not
21. a legal fiction", but a "~~person~~" is. The D.A. then pointed
22. the Accused not to any part of the statute's definition
23. of murder which might support his claim that the
24. Actor is a "human being," but to a penalty section
25. of murder (NRS 200.030 (4.)), which is a mere statement
26. that: "A person convicted of murder of the first degree
27. is guilty of a category A felony and shall be punished:"

28. Nevertheless, with the State's ambiguous

1 answer on record, and denial of said motion by judge
2 Togliatti, the Accused set out to draft an extensive
3 motion based partially on the remark in the State's
4 OPPOSITION to said denied motion. On page 9, Lines
5 16-18 and 23-25 of its OPPOSITION, the State said:

6
7 "To the extent that Defendant is claiming that the
8 State must address him by his chosen name of "Yahshua
9 Ariyl Ha-kohen," the State is not in the business of
10 addressing defendants by other than their legal names.
11

12 Clearly, had Defendant intended his legal name
13 to be "Yahshua Ariyl Ha-kohen" Defendant should have
14 legally changed his name. Unless and until that happens,
15 the State will continue referring to Defendant by his
16 legal name."

17
18
19 The State plainly failed to comprehend the
20 position of the Accused, because nowhere does his
21 Motion "claim that the State must address him by
22 his chosen name," of "Ariyl." The Accused merely
23 pointed out to the State that it will unavoidably
24 bring "Ariyl" into trial, because the State's critical
25 Voluntary Statements, of those that know the Accused,
26 know him exclusively or primarily by "Ariyl", his
27 corporate spiritual name, which cannot be used to
28 correct its inaccurate INFORMATION that nowhere names

1 "Ariyl", which is not a "juristic person," like "ROBERT
2 BROWN" is. Moreover, the State's remark, *supra*, is plainly
3 contrary to what a "legal name" is, within NRS 41.270-290.

4
5 AG Lexis 11 (1993) "There is no language contained
6 within NRS 41.270 through -290 making those provisions
7 the exclusive method for effecting name changes in
8 Nevada. Under the principles of common law a man
9 may change his name at will, by usage, and may
10 sue or be sued in any name by which he is known
11 and recognized. See Emery v. Kipp, 97 P.17, 19 (Cal. 1908)."

12
13 U.S. v. McKay, 2 F.2d. 257 (1924):

14 "Under the common law a man can change his
15 name at will, provided it is not done with a fraudulent
16 purpose; he may sue and be sued by such adopted
17 name, and will be bound by any contract into which
18 he enters in his adopted name. This is true in the
19 absence of a restrictive statute, and is not abrogated
20 by the fact that a procedure is provided by statute
21 for the change of one's name. 20 Standard Ency, 250;
22 In re Mc Ulta (D.C.) 189 Fed 250; Linton v. Bank, (c.c.)
23 10 Fed 894."

24
25 U.S. v. McCormick, 72 F.3d. 1404 (1995):

26 "... the common law allows a person to freely
27 change his name without legal processes..."

1 The fact that "Ariyl" is the known, lawfully changed
2 name of the Accused, by which he may be sued in, makes
3 it unduly burdensome to guess whether the Actor element
4 in Nevada's murder statute is the D.A.'s ambiguous
5 "person" or "human being." The Accused could not
6 possibly be expected to intelligently or adequately
7 prepare a defense under such circumstances.

8 For example: if the Actor element for Nevada's
9 murder statute is taken to be "a human being" (which
10 can never be an artificial "person"), then the Accused
11 could spend many months of gathering case law and
12 arguments to show that the State cannot prove
13 that element. Because ROBERT BROWN is a member
14 of a "State" (a lay aggregate Corporation), which is strictly
15 an artificial "person" who must likewise conform to
16 the strictly objective artificial "reasonable person"
17 standard of conduct. Put another way: the Accused
18 could argue that, because the State failed to formally
19 make "Ariyl" the subject of trial, while knowing he
20 is a professed "Parson" or "Minister" of an Ecclesiastical
21 Corp Sole (each of which are strictly a "human being"
22 in contemplation of law), it failed to prove that element.
23 See attached ARGUMENT for proof that "Ariyl" is
24 an Ecclesiastical Corporation Sole, that is necessarily
25 in constructive judicial knowledge of the State.

26 The danger, therefore, in assuming the "human
27 being" element, lies in the fact that the Accused
28 could be SURPRISED by the D.A.'s claim that, although

1 "Ariyl" was unavoidably brought into trial, it was
2 the juristic "person" ROBERT BROWN that was the
3 subject of the State's case.

4 On the other hand, if the ambiguous Actor
5 element of murder is assumed to be the strictly
6 juristic "person" ROBERT BROWN, then the Accused
7 could spend months of preparation to argue that,
8 because "Ariyl" was unavoidably brought into trial
9 after the State erroneously refused to recognize and
10 sue the Accused in that legally changed name, it
11 necessarily follows that, the State did not "prove"
12 that "Ariyl" is a juristic "person." This is because
13 "Ariyl" is an Ecclesiastical Corporation Sole, which is
14 strictly a "human being," in contemplation of law.
15 But again, the Accused could be SURPRISED by the
16 D.A.'s claim that "Ariyl" was covered in the State's
17 case, because the term "person," in contemplation
18 of law, also means "human being."

19
20 After the Motion for a Bill of Particulars was
21 unjustly denied, the Accused set out to draft an
22 extensive Motion for a Writ of Prohibition, based
23 partially on the denied Motion. Just weeks later, however,
24 the Accused was rushed to a city hospital for an
25 emergency surgery. Upon return to the city jail, the
26 Accused was told by staff that it "lost" all of his
27 property, which included Discovery, dozens of law books,
28 thousands of pages of legal articles, said Motion draft.

1 and notes, etc. Such a loss was irretrievable, monetarily,
2 and by attempt to recompile the same material through
3 random searches. The Accused immediately notified
4 judge Togliatti, who merely asked an officer in court
5 how the jail could "lose" his property; but that officer
6 did not know.

7 The Accused had, up until this point, done every-
8 thing to quickly end the State's case. Now, in *pro*
9 *persona*, the Accused was forced, against his will, to
10 give up another attempt to quickly end the State's
11 case. With trial quickly approaching at that time,
12 the Accused sent a letter (attached) to judge
13 Togliatti detailing the reasons, which she was
14 aware of, for unwillingly relinquishing his *in pro*
15 *persona* status. This included another request that
16 Togliatti dismiss the formerly "dismissed" attorney
17 Amanda Gregory, and appoint new counsels.

18 Ivette Maningo and co-chair Patricia Palm
19 were then appointed. At this point, the Accused
20 believed he had an investigator and attorneys that
21 intended to help him. Shortly thereafter, however,
22 the Accused sent a letter of discontent, to Ivette
23 Maningo, primarily about Patricia Palm, who sub-
24 sequently left as co-chair. Ivette Maningo then
25 chose Abel Yanez as co-chair. Shortly after that,
26 the investigator Al Fuentes died.

27 Ultimately, the Accused filed a Motion to Dismiss
28 Counsels (attached) for their refusal to pursue his

1 choice of defense (not its strategy) which is his
2 sole right, and for their enmity against the Church, etc.
3 Attached to said Motion is a signed open confession of
4 Treason, which was not even addressed by the court.
5 And shortly after the denial of said Motion, the Accused
6 has refused all visits by the court-appointed
7 defense. The Accused had also informed the court,
8 in said Motion, that he also submitted a BAR complaint
9 against Maningo and Yanez. At this point, it is clear
10 that the State and its court-appointed hostile attorneys
11 will force an Accused capital offender into trial with no
12 agreed upon defense, and with elements of guilt conceded
13 to by said counsels, etc. See attached letter to Abel Yanez
14 dated 1-9-2020.

15 It should also be known that said counsels have
16 refused to file Motions, at the request of the Accused,
17 about "de novo" matters, not having been addressed by
18 Nevada. In all proven "hypocrisy," and without even
19 knowing the specifics of the de novo matters, judge
20 Villani, in deny the Motion to Dismiss Counsels, stated
21 that counsels "do not have to file such Motions, because
22 those matters have already been addressed by the
23 court many times." But see, issues in draft, Motion for a
24 Writ of Prohibition, or Mandamus (attached), previously in
25 the possession of counsels. In proving Villani's hypocrisy, the
26 Accused pointed out that he (Villani) had previously told
27 counsels to submit "stock motions." Seen; and that such
28 Motions, also, have already been addressed and "denied" by

1 the courts "many times" as well. And as such, he (Villani)
2 and counsels "know" that those Motions "will be denied,"
3 but are filed to preserve the issues. Villani's hypocrisy
4 was further pointed out by being told that he and
5 counsels "can't know" if a Motion about de novo issues
6 will even be denied; and yet, in his hypocrisy, Villani was
7 saying that counsels "don't have to" file them to like-
8 wise "preserve the issues," which is their duty. This is
9 clear judicial misconduct, for which this court ought
10 to demand that Villani recuse himself.
11

12 For the sake of brevity, the Accused reserves
13 further undisclosed matters for this court's request.
14

15 I will only add that, at the outset of Maningo's
16 appointment, the Accused clearly expressed his continued
17 aim that his case be resolved as soon as possible. Maningo
18 expressed that she could accomplish that aim in "six
19 months," but assured the Accused that she would do a
20 "good job" if she were given a year. Although hesitant,
21 the Accused agreed. However, about 6 months before his April
22 2020 trial date, Maningo informed the Accused that the Supreme
23 Court of Nevada, in a multi-defendant reversed case, ordered
24 her to handle that case, which was to begin about 2-3 months
25 before the trial date of the Accused and run past that date.
26 Thus, Maningo expressed that she "had to" postpone the trial
27 date, although the Accused expressed his discontent. It was
28 not until about 3 months before the trial date of the
Accused that Maningo asked for a 6 month continuance,

1 which was granted. This led to the Motion to Dismiss
2 Counsels. Maningo clearly betrayed the confidence and
3 belief that the Accused had, in her assurance of resolving
4 his case soon after her appointment. Such betrayal rose
5 to the level of incompetence, hypocrisy, and ultimately the
6 hostility that now remains, q.v. Maningo should have removed
7 herself as counsel, in light of the expressed aim of an
8 early resolution by the Accused. Maningo had approximately
9 6 months advance notice, which would have been ample
10 time for new counsel to assist co-chair Abel Yanez. It
11 would be utter hypocrisy on the part of Maningo if she
12 claimed that new counsel could not have been reasonably
13 expected to do so. This is because Maningo herself took
14 on the new multi-defendant 250-case within the same
15 6 months!

POINTS AND AUTHORITIES

SATOW'S, *Guide to Diplomatic Practice* 9 (5th Ed., 1979)

"It has been established for several centuries in customary international law that a sovereign or head of state, who comes within the territory of another sovereign is entitled to wide privileges and to ceremonial honors appropriate to his position and dignity, and to full immunity from the criminal, civil and administrative jurisdiction of the state which he is visiting." [footnote omitted]

* KALSCHER, *Civil Procedure and the Establishment Clause* (2008) (L.J.)

"The protection of the freedom of churches as "sovereigns" not created by the state points to the existence of another sovereignty (the only true sovereignty) - that of God (or gods) - existing "beyond, before, and superior to the state." (quoting, MURRAY, *We Hold These Truths* (1960), at 67. *Emphasis original*).

Article 3, Section 2 of the UNITED STATES Constitution:

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction.

SOSA, *Customary International Law*, 120 Harv. L. Rev. 869, 922 (2007).

"Prior to Erie, and consistent with the view that [customary international law] was treated as nonfederal general

1 common law, federal and state courts alike applied the
2 [customary international law] of foreign sovereign
3 immunity on the domestic plane without authorization
4 from Congress or the Executive. [emphasis original]

6 UNITED STATES V. NORIEGA, 117 F.3d. 1206, 1212 (11th, 1997)

7 "The FSIA addresses neither head-of-state immunity,
8 nor foreign sovereign immunity in the criminal context."
9 CF. SAMANTAR V. YOUSUF, 130 S.Ct. 2278, 2291 (2010).

11 4 BLACKSTONE, Comm., 983

12 (stating that a "foreign prince" is necessarily an
13 "enemy" of its King of England, since he "owes no allegiance"
14 to the other)

16 Yahweh and His Son are obviously "foreign" sovereigns
17 who owe no allegiance to any secular/profane king.

19 EXODUS 23.22

* 20 "But if you indeed obey His voice and do all that I
21 speak, then I will be an enemy to your enemies and an
22 adversary to your adversaries."

24 JAMES 4.4

25 Adulterers and adulteresses! Do you not know that
26 friendship with the [secular] world is enmity with God?
27 Whoever therefore wants to be a friend of the world makes
28 himself an enemy of God. [emphasis mine]

4 BLACKSTONE, Comm, §§ 68-69

(stating that, under the law of nations "safe-conducts" or "passports" is expressly or impliedly granted to "the subjects of a foreign power in time of mutual war; or, committing acts of hostility against such as are in amity, league, or truce" with it.

* THE SCHOONER EXCHANGE, 11 U.S. (7 Cranch) 116 (1812)

(noting, there is a presumption that "the sovereign cannot be considered as having imparted to the ordinary tribunals a jurisdiction, which it would be a breach of faith to exercise.")

BOSWELL'S LESSEE V. OTIS, 50 U.S. 336 (1850)

Courts enforcing your [municipal] statutes do not act judicially but merely ministerially, having thus no judicial immunity and unlike courts of law do not obtain jurisdiction by service of process nor even arrest and compelled appearance.

* BIGELOW V. STEARNS, 19 Johns. 39, 40-41 (N.Y. Sup. Ct. 1821)

"To give any binding effect to a judgment, it is essential that the Court should have jurisdiction of the person, and of the subject matter..."

* MAITLAND, The Corporation Sole, 16 L.Q. Rev. 335 (1900)

(stating, "a church is no person" and "the ecclesiastical corporation sole is no juristic person.")

* 1 McDANIEL V. PATY, 435 U.S. 618 (1975)
2 "... the church is a thing absolutely separate and
3 distinct from the commonwealth." (citing, 5 Works of John
4 Locke 21)

* 6 WEISS'S, *Concise Trustee Handbook*, 2nd Ed.
7 "Though all courts are familiar with in personam
8 (against persons), it is the action in rem (against things)
9 which though practiced only in Maritime Law, stealthily
10 operates in every civil and criminal court....

11 In rem jurisdiction over a man or woman can
12 only exist if the man or woman is a slave, i.e., property
13 or res (an object)... See THE ZONG (Gregory v. Gilbert), 99
14 E.R. 3233 (K.B. 1783). In nature, in rem jurisdiction
15 is exercised over men and women by their Creator,
16 exclusively. Governments can therefore gain only a
17 fictional in rem jurisdiction over men by creating
18 various legal devices (personas) for those men to
19 assume limited control of (e.g., citizen, taxpayer,
20 driver, etc.) Since the device is legal fiction, a falsehood
21 made true by force of law, this persona is in fact
22 a legal object or res."

23
24
25 Although churches are "things," the remainder of
26 this document's ARGUMENT will prove that it is only
27 the modern religious corporation that the government is
28 able to reduce to a juristic "person," and hence gain its

1 jurisdiction over it.

2
3 BOUVIER'S, *Law Dictionary* (1856) Maxim:

4 Frustr feruntur legis nisi subditis et obedientibus

5 Laws are made to no purpose unless for those who are
6 subject and obedient. 7 Co. 13.

7
8 LEVITICUS 20.2

9 "And you shall not walk in the statutes of the nation which
10 I am casting out before you; for they commit all these things,
11 and therefore I abhor them." Cf. LEVITICUS 18.3

12
13 ACTS 5.29

14 "We ought to obey Yahweh rather than men." Cf. 2 TIMOTHY 3.1-5.

15
16 COKE, Litt. 70

17 No man warring for God should be troubled by secular
18 business. [Cf. 2 Timothy 2.4]

19
20 4. BLACKSTONE, Commentaries, §§ 68-9

21 (stating that, under the law of nations "safe-conducts"
22 or "passports" is expressly or impliedly granted to the subjects
23 of a foreign power in time of war; or committing acts of hostility
24 against such as are in amity, league, or truce" with the nation
25 wherein they reside.

26
27 DANIEL 9.26-27 (NIV)

28 "... the Anointed One will be cut off..." War will continue until the end..."

ARGUMENT

1. THE RELIGIOUS HISTORY OF MAN: HOLY ISRAYL AND THE PROFANE COMMON PEOPLE

Throughout the religious history of man, the *Holy Scriptures* (Genesis - Revelation) record the existence of Yahweh, which is the Unique proper name of the One "divine" Father and absolute King of heaven and earth, as revealed to His holy children called the Israylites. Under the Israylite system of faith, "Yahweh is One" (absolutely). DEUTERONOMY 6:4. Scholars classify this form of worship as "monotheistic". More properly and simply put: Yahweh is not two or dual, having no equal or exact opposite to His being. Nor is He three or triune, having no plurality to His being. It is thus, *Orze* will that controls the history of man. Because Yahweh is One, there is no equal, or exact opposite, or plurality of wills, that govern the history and destination of man. This conception is unique to Israyl, as a corporate body, or spiritual corporation.

On the other hand, the same *Holy Scriptures* also show that all other nations have a "divine" father over them whom the Israylites describe as *Satan the Devil*. From the perspective of the *holy Israylites*, these terms "personify" the nature and character of all systems of faith among the *unholy, profane, common* people of the world. It made no difference to a *holy Israylite* whether a nation

1 believed in many gods or "claimed" they believed in one
2 "divine" being, if the name of that being was not Yahweh.
3 Since, in no case can the existence of Yahweh be discounted,
4 it necessarily follows that, to an Israylite, these unholy
5 common people do not worship the *absolute* only One. Hence,
6 none of their systems of faith are governed by the One will
7 of Yahweh. What remains, then, for all nations to worship,
8 can only naturally be a *Lie* and *Satan* (meaning "Adversary")
9 against the One will of Yahweh. Scholars classify the
10 systems of faith among the nations as "*polytheistic*", which
11 alludes to their *imaginations* that creation is subject to
12 the will of others.

13 From the perspective of *holy Israyl*, the condition
14 that fallen man is necessarily in, without Yahweh, is that of
15 a *profane State*. Naturally, they do not belong to the One
16 Holy Church, which has the One absolute King over it. Most
17 nations only have an "*idea*" that there must be One absolute
18 King of heaven and earth, to whom they owe subjection. But
19 they believe not, or know not, that His proper Name is Yahweh.
20 Nevertheless, as the common profane people in this country
21 knowingly form their *common Union*, without the One absolute
22 King, they point to His Supremacy by use of the ancient "*ideal*"
23 Canaanite title "*El*", from whence the origin of the term "God"
24 is derived and translated from.

25
26 I will now follow the allusions to Yahweh in the processes
27 of how the *common* people establish their own *Union* and
28 secular government, as a natural separation from the One Holy Church.

2. THE LAWS OF YAHWEH ARE SUPREME: ALLUSIONS IN MAN'S LAW
THAT HIS LAWS ARE INVOLABLE

KEILW. 191:

The law of God and the law of the land are all one.

* ROBIN v. HARDAWAY, 1 Jefferson 109, 114, 1 Va. Reports Ann. 58, 61 (1772):

The laws of nature are the laws of God, whose authority
can be superceded by no power on earth. A legislature must
not obstruct our obedience to him from whose punishments
they cannot protect us. All human constitutions which contra-
dict his laws, we are in conscience bound to disobey. Such have
been the adjudications of our courts of justice. And cited 8 Co.
118. a. Bonham's case. Hob. 87; 7 Co. 14. a. Calvin's case.

CALEB NELSON, *Sovereign Immunity*, 115 Harv. L. Rev. 1559 (2002):

The content of the general law of nations, in turn, was
thought to depend partly on the immutable law of nature...

2 ROLL. R. 298

When laws imposed by the state fail, we must act by the
law of nature.

* 1 BLACKSTONE, *Commentaries on the Laws of England*, §41

This law of nature, being co-eval with mankind and dictated
by God himself, is of course superior in obligation to any other.
It is binding over all the globe, in all countries, and at all times:

1 no human laws are of any validity, if contrary to this.

* 3 1 BLACKSTONE, *supra*, at §54:

4 Those rights then which God and nature have established,
5 and are therefore called natural rights, such as are life and
6 liberty, need not the aid of human laws to be more effectually
7 invested in every man than they are; neither do they receive
8 any additional strength when declared by the municipal laws
9 to be inviolable. On the contrary, no human legislature has
10 power to abridge or destroy them, unless the owner himself
11 commit some act that amounts to forfeiture.

13 THE BOISI CENTER PAPERS ON RELIGION IN THE UNITED STATES, *Separation*
14 *of Church and State*:

15 According to this view [of the Declaration of Independence],
16 God is to be acknowledged as the creator of humankind and
17 source of "inalienable" rights; but government is properly under-
18 stood as a human, not divine, institution whose authority
19 and power is derived from citizens themselves, not from
20 God. [emphasis mine]

22 BOUVIER'S *Law Dictionary* (1856): *Maxim of Law*:

23 Rights never die.

* 25 1 BLACKSTONE, *supra*, at §120:

26 For the principal aim of society is to protect individuals in
27 the enjoyment of those absolute rights, which were vested in them
28 by the immutable laws of nature.

3. THE SECULAR ALLEGIANCE ESTABLISHED BY THE COMMON
PEOPLE, AND THEIR PRESERVATION OF THEIR RIGHT TO CHANGE

From the perspectives of both holy Israyl and profane commoners, man owes First Allegiance to the absolute King, the Creator of heaven and earth. Since, by "divine" will, the First Man created, obviously had no equal, or society, to be subject to.

From the perspectives of both holy Israyl and the profane commonwealth of England, the reason behind what makes everyone owe "natural allegiance" to their kings, ultimately points to the absolute King of heaven and earth, who established their kings. The people are in a Union with its "divinely" appointed king, as subjects to the absolute "divine" King. Thus, the people's tie of allegiance to the king is aimed at establishing a "divine" connection and allegiance to its absolute "divine" King, which they may not "naturally" have.

* 20 1 BLACKSTONE, *supra*, at § 354

21 Allegiance is the tie or *ligamen*, which binds the subject to
22 the king, in return for that protection which the king affords the
23 subject.

* 25 1 BLACKSTONE, *supra*, at §§ 356-357

26 ALLEGIANCE, both express and implied, is however disting-
27 uished by the law into two sorts or species, the one natural; the
28 other local. Natural allegiance is such as is due from all men

1 born within the king's dominions immediately upon their birth.
2 For immediately upon their birth, they are under the king's
3 protection. Natural allegiance is therefore a debt of gratitude;
4 which cannot be forfeited, cancelled, or altered, by any change
5 of time, place, or circumstance, nor by anything but the united
6 concurrence of the legislature.

7
8 1 BLACKSTONE, *supra*, at § 358:

9 LOCAL allegiance is such as is due from an alien, or stranger
10 born, for so long time as he continues within the king's
11 dominion and protection; and it ceases the instant such
12 stranger transfers himself from this kingdom to another.

13
14 1 BLACKSTONE, *supra*, at § 361:

15 And this maxim of the law proceeded upon a general
16 principle, that every man owes natural allegiance where
17 he is born, and cannot owe two such allegiances, or serve
18 two masters, at once.

19
20 From the legal ideas of the profane commonwealth, it is
21 obvious that others within their secular kingdom can only owe
22 one allegiance: "local allegiance"; since it is obvious that the
23 common people constitute an inferior and limited, profane secular
24 State. No Church sovereign, or any other foreign sovereign within,
25 or born within its limited kingdom, can owe it any, but one ("local")
26 allegiance.

27 Prior to creating any secular government, it is from the
27 view of the profane commoners, that they are entering into

1 a secular "civil" society, and from thenceforth do they owe its
2 secular king allegiance. Thus, it must be borne in mind that the
3 profane common people constitute a secular "aggregate" corpo-
4 ration, or democratic "society", which accordingly is, and
5 can only be, presumed to "naturally" belong to such a secular
6 State from birth, thereafter. This secular "society", then, that
7 is tied to its secular king (a Corporation Sole) in allegiance,
8 is not presumed to be official members of that Corporation
9 Sole, let alone born as such.

10 But since there exists for the common people of England
11 (and in early America) a Union of Church and State, the people
12 reserve the Liberty to change their "situation", by entering
13 into religion. Remember: no legislature can abridge these rights.

14
15 1 BLACKSTONE, *supra*, at § 130

16 "Next to personal security, the law of England regards,
17 asserts and preserves the personal liberty of individuals.
18 This personal liberty consists in the power of loco-motion,
19 of changing situation, or removing one's person to whatever
20 place one's own inclination may direct."

21
22 Should a commoner enter into religion or spiritual
23 Corporation, he necessarily leaves "civil" society and its secular
24 Corporation; thus becoming "civilly dead".

25
26 1 BLACKSTONE, *supra*, at § 128

27 "The civil death commences if any man... enters into
28 religion." [CF. VILLALON v. BOWEN, 70 Nev. 456 (1954)]

1 Upon entering the spiritual Corporation of the Church,
2 secular courts no longer have jurisdiction over such a "spiritual"
3 member. He can no longer be held to the inferior moral
4 standards of the common profane people. The "spiritual"
5 member is subject to spiritual magistrates of the Church,
6 and their spiritual interpretation of the law's standards,
7 etc.

8 It is obvious that, because the common people are
9 profane and subject to their own "experiences", their "legal"
10 moral standards can deteriorate to a "spiritually" intolerable
11 level, by a mere two-thirds majority rule. The "natural"
12 allegiance to such a "civil" society, therefore, is premised
13 on a legal fiction that a person was receiving the "benefits"
14 or "advantages" of its Union.

15
16 1 BLACKSTONE, *supra*, at § 121

17 But every man, when he enters into society, gives up
18 a part of his natural liberty, as the price so valuable a
19 purchase; and in consideration of receiving the advantages
20 of mutual commerce, obliges himself to those laws, which
21 the community has thought proper to establish.

22
23 1 BLACKSTONE, *supra*, at § 41

24 But municipal or civil law regards him also as a
25 citizen, and bound to other duties towards his neighbor,
26 than those of mere nature and religion: duties, which
27 he has engaged in by enjoying the benefits of the common
28 union.

Obviously, however, it is a legal fiction that everyone is bound to such obligations, since they are enforced upon everyone by a mere presumption of naked assent. Formal allegiance is only required of public officials. And any "benefit", moreover, can be outright rejected.

BOUVIER'S, Law Dictionary (1856): MAXIM:
Potest quis renunciare pro se, et suis, juri quod pro se introductum est.

A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

BOUVIER'S, supra, MAXIM:
Invito beneficium non datur.
No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69.

* BOUVIER'S, supra, MAXIM:
Nihil tam naturale est, quam eo genere quidque dissolvere, quo colligatum est.
It is very natural that an obligation should not be dissolved but by the same principles which were observed in contracting it. Dig. 50, 17, 35. See 1 Co. 100; 2 Co. Inst. 359.

BOUVIER'S, supra, MAXIM:
Scriptae obligationes scriptis tolluntur, et nude consensus obligatio, contrario consensu dissolvitur.

* 1 Written obligations are dissolved by writing, and
2 obligations of naked assent by similar naked assent.

* 4 1 BLACKSTONE, *supra*, at §§ 356-357

5 "But besides these express engagements, the law
6 also holds that there is an implied, original, and virtual
7 allegiance, owing from every subject to his sovereign,
8 antecedently to any express promise; and although the
9 subject never swore any faith or allegiance in form."

12 By the same principles, then, it necessarily follows
13 that, allegiance to a "foreign" king is likewise effected
14 without a "formal" agreement/contract. See, e.g., 8 USCS, §
15 1481 (Ann.) (citing, REVEDIN v. ACHESON, (1952, CA2 NY) 194 F.2d. 482).
16 It only needs to be remembered, then, that Yahweh is a
17 "foreign" king with regard to the State. And because
18 Yahweh and the Holy spiritual Church pre-existed the
19 State, it is clear that the common people, in their natural
20 profane state, preserved their right to Attonement or
21 Re-conciliation to whomever the "divine" absolute "foreign"
22 king proved to be. Thus, although the common people did
23 not attempt to establish the "divine" kingdom of Yahweh
24 or any other perceived absolute "divine" king, it is never-
25 theless reasoned that their majority "right" to create a
26 secular government is their participation as subjects
27 in His Eternal Laws.

BRENNAN, *Against Sovereignty*, 82 Notre Dame L. Rev. 101, 135 (2006):
"The natural law that gives birth to this right of ours to self-government is itself our intelligent participation as human subjects in the Eternal Law, the mind of the sovereign God sweetly disposing all things to their proper ends."

From the perspective of the common people of early England, having a Union of an existing national Church and State, its two-thirds secular majority-rule necessarily placed the Church in the minority, being "holy". The Church members, then, being contemplated as "re-born", thus have a "natural allegiance" to, and sovereign immunity of, the "divine" King. They are now a superior spiritual Corporation, having immunity from the jurisdiction of secular courts. The State acknowledged this as a "privilege" called "Benefit of Clergy". See ⁴ BLACKSTONE, Comm., §§ 358-9; and 367. Later, however, the king of England made himself Head over the Church as well, and then "abolished" their immunity, by Acts in 1531 & 1547.

For the common people of the UNITED STATES, however, the implications of allegiance and a change of allegiance, necessarily have different effects, since there is no human king or national Church to which they can be bound in "natural allegiance" to. The same is true for holy Israyl, which must also be counted within the minority of the two-thirds majority rule that established such a profane secular government. These effects prevent interference with Israyl's immunity.

4. THE COMMON PEOPLE'S UNION OF CHURCH AND STATE : ITS VALIDITY WITH RESPECT TO HOLY ISRAEL

(A) ENGLAND'S UNION OF CHURCH AND STATE: AN ACT OF TREASON FOR HOLY ISRAEL

In England they have their Magna Carta (Great Charter), ensuring the rights, liberties, and powers of both Church and State. This instrument functions as a Treaty, which is a Covenant and agreement/contract. For the profane common people, such a Covenant may seem "logical" and necessary for its Union of the "king" (a Corporation Sole) and Church (a Corporation Sole). Because both Corporations Sole equally use all persons as its "agents", the profane people who constitute a Lay Aggregate Corporation are protected from being "swallowed up" or overtaken by such a Corporation Sole. The default recognition of the common people as a profane Corporate body is preserved, and unchangeable, at least, from the perspectives of their own human laws.

From the perspective of the Law of Yahweh, however, such a Covenant cannot possibly include holy Israel, because Israel is already bound with an "Everlasting Covenant" to Yahweh alone. GENESIS 17:7; HEBREWS 13:20-21. And as such, His law prohibits Israel from making a Covenant/Treaty with the profane gentile nations. EXODUS 23:32, 34:12-16; DEUTERONOMY 7:2-4; and 23:6.

* 1 HENSFIELD CASE, 11 F. Cas. 1099 (1793):

2 "Whenever doubts and questions arise relative to the
3 validity, operation or construction of treaties, or any articles
4 in them, those doubts and questions must be settled according
5 to the maxims and principles of the laws of nations applicable
6 to the case." [See, NELSON; and 2 Roll. R. 298, supra, at p. 21]

7
8 Thus, while a nation may, by a legal fiction, deceive
9 itself into presumptively making Israyl a part/ner of its
10 "Union", the Law of Yahweh is clear that it is not possible
11 for Israyl to lawfully bind itself in Treaty with nations
12 that Yahweh has clearly established as hostile enemies.

13 Such an impossibility is manifest by the fact that, such a
14 treasonous offense against Yahweh would, at the same
15 time, make Israyl infamous and consequently barred
16 from even making an Oath.

17
18 BOUVIER'S, supra, MAXIM:

19 Felonia implicatur in quolibet proditione.

20 Felony is included or implied in every treason. 3 Co. Inst. 15.

21
22 BOUVIER'S, supra, MAXIM:

23 "Repellitur a sacramento infamously.

24 An infamous person is repelled or prevented from taking
25 an oath. Co. Litt. 158."

26
27 Furthermore, the nation that imposes such an instrument
28 upon Israyl, necessarily makes itself a conspirator or instigator

1 in making Israyl presumptively guilty of "willfully" committing
2 the offense of Treason against Yahweh.

3
4 BOUVIER'S, supra, MAXIM:

5 Plus peccat auctor quam actor.

6 The instigator of a crime is worse than he who
7 perpetrates it. 5 Co. 99.

8
* 9 Cf. 4 BLACKSTONE, Comm., §§ 81-83, and 87

10 (defining Treason as a "betrayal" or "breach of faith"
11 of a "natural, a civil, or even a spiritual relation" between
12 the Sovereign and his subject, to that of a "foreign prince")

13
14 And a "foreign prince," says Blackstone, is an "enemy",
15 since he "owes no allegiance" to the other, id., at § 83. (citing,
16 inter alia, the "pretended" authority of the "pope")

17
18 Put another way, because Yahweh and His Son called
19 the "Messiah" are both a "foreign" Sovereign/King with
20 respect to the Gentile nations, they are necessarily "enemies"
21 in contemplation of law. The entire Biblical history of Israyl
22 and its Law demonstrates this fact. EXODUS 23:22; JAMES 4:4.

23 And because they are the Supreme power over mortals, they could
24 not stoop to bind themselves to an inferior enemy, let alone their
25 children.

26
27 BOUVIER'S, supra, MAXIM:

28 Postestas suprema seipsum dissolvere potest, ligare non potest.

1 Supreme power can dissolve, but cannot bind itself.

2
3 THE SCHOONER EXCHANGE, 11 U.S. (7 Cranch) 116 (1812) (noting presumption):
4 "[T]he sovereign cannot be considered as having imparted to the
5 ordinary tribunals a jurisdiction, which it would be a breach of
6 faith to exercise.... The remedy is by opposing Sovereign to Sovereign,
7 not by subjecting him to the ordinary jurisdiction."
8

9 Furthermore, the law of England was clear that the clergy of Church
10 are not members of its secular State, let alone its secular Civil
11 society - being civilly dead.
12

* 13 1 BLACKSTONE, *supra*, at § 384
14 "The lay part of his majesty's subjects, or such of the people
15 as are not comprehended under the denomination of clergy, may be
16 divided.... That part of the nation which falls under our first and
17 most comprehensive division, the civil state, includes all orders of
18 men, from the highest nobleman to the meanest peasant; that
19 are not included under either our former division, of clergy, or
20 under one of the two latter, the military and maritime states."
21

22 Even in the U.S., the exclusion of the Church from the State
23 is acknowledged.
24

* 25 McDANIEL v. PATY, 435 U.S. 618 (1975)
26 "[T]he church itself is a thing absolutely separate and distinct
27 from the common wealth." (citing, 5 Works of John Locke 21)
28

The logic, and indeed the compelling reason for a secular State's statute law needing to exclude clergy, can be easily understood by the fact that statute law does not extend into the subjective domain of morals or religion.

J.G. SUTHERLAND, Statutes and Statutory Construction, § 8 (1891)
[statute law] is a rule of civil conduct, because it does not extend into the subjective domain of morals or religion.

1 BLACKSTONE, *supra*, at §§ 119-20
"For the end and intent of such laws belong only to regulate the behavior of mankind, as they are members of society, and stand in various relations to each other, they have consequently no business or concern with any but social or relative duties."

Again, the Church or Clergy are not a part of civil society, but a Spiritual or Religious "thing", being civilly dead. It is, therefore, the profane Common lay people that have formed a majority-rule Union that subjects themselves to an ever-changing "civil" law meant to reflect their "common" profane nature. Israyl or the Church of Yahweh, on the other hand, are bound to conform to an eternally fixed moral or religious standard, called the Torah.

And because there is a presumption that a foreign Sovereign "cannot be considered as having imparted to the ordinary tribunals a jurisdiction, which it would be a breach of faith to exercise," it necessarily follows that, the common people or civil State did not intend to make the Church treasonous, as a matter of law,

1 but preserved and acknowledged its separateness (sacredness)
2 and distinct Sovereign immunity. Otherwise, the Church would
3 not have had the *Benefit of Clergy*. Furthermore, it was not until
4 the King of England usurped or else made himself the Head of the Church,
5 that gave rise to his Acts to abolish her immunity, in order to
6 deal with the encroaching power and abuse of the Catholic Church.

1 5. THE SEPARATION OF CHURCH AND STATE CORPORATIONS AFTER THE
2 UNITED STATES DECLARED ITS INDEPENDENCE FROM ENGLAND
3
4

5 The UNITED STATES was established by the Crown of England
6 as a mere vassal state and corporation; under its control like any
7 other business.
8

9 HELVERING V. STOCKHOLMS ENSKILDA BANK, 293 U.S. 84 (1934)

10 The United States is a corporation. [citations omitted]
11

12 CLEARFIELD TRUST CO. V. U.S., 318 U.S. 363 (1943)

13 " Governments descend to the level of a mere private
14 corporation and take on the characteristics of a mere private
15 citizen..."
16

17 At the time of the UNITED STATES' alleged "independence"
18 from the control of England, it is important to keep in mind
19 that the King of England was the Head of both State and
20 Church; both of which are classified as Corporations Sole.
21 That is, the King is a Corporation Sole and the Church
22 also. The State proper, being the "people", is an inferior
23 Aggregate Corporation, or Body Corporate. Although the
24 UNITED STATES is only an Aggregate Corporation, notice the
25 nature of the power that it transferred to itself after its
26 independence.
27
28

1 THE PEOPLE v. HERKIMER, 4 Cowen (NY) 345 (1825)

2 The people have been ceded all the rights of the king,
3 the former Sovereign...
4

* 5 HENNESSY v. RICHARDSON DRUG CO., 189 U.S. 25 (1903)

6 "The sovereignty has been transposed from one man to
7 the collective body of the people, and a subject of the king
8 is now a citizen of the state."
9

10 Although the King of England had previously passed Acts in
11 1531 & 1547 abolishing the Church's immunity called *Benefit of Clergy*,
12 those Acts did not, and indeed could not, apply to the Sovereign
13 or King himself.
14

* 15 LEWIS v. FISHER, 80 Md 139, 30 A 608

16 A statute which treats of persons of an inferior rank cannot
17 by any general words be so extended as to embrace a superior.
18

19 SIMONIAN v. UNIV. & COMM. COLLEGE SYS., 122 Nev. 187 (2006)

20 ...the word 'persons' ordinarily excludes the sovereign [unless]
21 the king is named therein by special and particular words.
22

23 THE PEOPLE v. HERKIMER, 4 Cowen (NY) 345 (1825)

24 The people or sovereign are not bound by general words
25 in statutes, restrictive of prerogative right, title or interest,
26 unless expressly named. Acts of limitation do not bind the
27 king or people.
28

1 It is obvious, then, that the new Supreme Sovereign (the "People")
2 of the UNITED STATES retained and intended to preserve the
3 immunity of the independent Sovereign Church, called Benefit
4 of Clergy. This is plainly manifest by the fact that the UNITED
5 STATES did not even abolish the Benefit of Clergy until Acts
6 of 1790 and 1827! And again, like its former Sovereign (King), the
7 abolishing Acts do not apply to the Sovereign (the "People"). It
8 can only apply to 'persons', which term is used to designate a
9 person of a rank less than that of the Supreme Sovereign;
10 or who is otherwise not granted or privileged with such power of,
11 or greater than, the Sovereignty of the "People". An ambassador
12 or the President of the UNITED STATES, for example, are such
13 individuals that are granted or else privileged with the Sovereign
14 power and immunities inherent in the "People". But this is
15 the Sovereign power at the secular State level, a civil
16 Body politic; or Aggregate Corporation. The UNITED STATES
17 does not have a Corporation Sole, who is an individual
18 Priest-king, acting as the Head over the Church, which
19 is a holy (separate) and distinct "divine" Sovereignty. At
20 least One that is not yet realized or acknowledged.

21
22 But as a Body necessarily has One Head, so
23 also does a Nation (aggregate corporation) necessarily
24 have One King or Priest-king (Corporation Sole) over it. Or
25 as a Wife necessarily has One Husband (Head), so also
26 does the Wife only count as his Body, which is under him.
27 And so the UNITED STATES, although it is barred from creating
28 a national Church, the secular Nation or Body corporate has

made it clear that, in legal contemplation, it indeed has a
"divine" Head over it.⁽¹¹⁾

4 USCS, § 4 (stating, the UNITED STATES is:)
"One nation under God..."

At this point it is necessary to show the critical differences between the nature and purposes of a State, and Church as Corporations. Because the Sovereign immunities of the Church are inherent, or else gained by individual members, just as those of the State are. And the former (inherent) way needs no formal "application" of approval by certain individuals. The King's sons or household, for example, do not need to formally "apply", by application, for the Sovereign immunities or protections that their Father/King is obligated to shield them with, as a matter of duty and right. It is also an absurdity to 'think' that One who is the absolute Supreme Sovereign King would need to stoop to an inferior Sovereign, so as to be "granted" permission to exercise its Supreme Sovereign immunities by an inferior's formal "application".

6. THE NATURE AND PURPOSES OF CORPORATIONS

In early or primitive societies, individuals were sued and testified against, generally, by their actual accusers. As societies and kingdoms grew, it became impractical for kings or individuals to make actual appearances to "accuse" another in court. And so a common device derived from business practices, called a "Straw Man", was employed to act as the "persons" in the suit. Simply put, a "person" functions in one or two capacities: one natural; the other artificial.

* 1 BLACKSTONE, Commentaries on the Laws of England, §§ 119-20

Persons also are divided by the law into either natural persons, or artificial. Natural persons are such as the God of nature formed us: artificial are such as created and devised by human laws for the purposes of society and government; which are called corporations or bodies politic.

1 BLACKSTONE, *supra*, §§ 460-61

"CORPORATIONS, by the civil law, seem to have been created by the mere act, and voluntary association of their members."

Remember: the "People" of this Nation are assumed to have voluntarily assented to be the Corporation called the UNITED STATES.

① MAITLAND, The Corporation Sole, 16 L.Q. Rev. 335 (1900)

A corporation is an aggregation of head and body: not a head by itself, nor a body by itself.

1 BLACKSTONE, *supra*, §§ 456-58

The honour of originally inventing the political constitutions entirely belongs to the Romans...

The first division of corporations is into aggregate and sole. Corporations aggregate consist of many persons united together into one society.... Corporations Sole consist of one person only and his successors, in some particular station, who are incorporated by law, in order to give them some legal capacities and advantages, particularly that of perpetuity, which in their natural persons they could not have had. In this sense the king is a sole corporation; so is a bishop:... [and] so is every parson and vicar.

ANOTHER division of corporations, either sole or aggregate, is into ecclesiastical and lay. Ecclesiastical corporations are the members that compose it are entirely spiritual persons; such as bishops; certain deans, and prebendaries; all archdeacons, parsons, and vicars; which are sole corporations:... These are erected for the furtherance of religion, and the perpetuating the rights of the church.

1 BLACKSTONE, *supra*, § 372

"A PARSON, *persona ecclesiae*, is one that hath full possession of all the rights of a parochial church. He is called parson, *persona*, because by his person the church, which is an invisible body, is represented; and he is in himself a body corporate, in order to protect and defend the rights of the church (which he personates) by a perpetual succession.

[T]he most numerous order of men in the system of

ecclesiastical polity, are the parsons and vicars of parishes."

Another aspect of corporations, is that they are either *Public* or *Private*. In his *Commentaries*, William Blackstone is writing from the perspective of England having a *Union* of Church and State, both of which are *Public* corporations. The State is a *Public* corporation, to the extent that its authority is broad and recognized as over the lesser *Private* domain. An established national Church, therefore, must also be a *Public* corporation if it is to be in a *Union* with the *secular* State and its laws. Every other church whose spiritual mission and teachings that were not in harmony with the Anglican Church of England can only be a *Private* limited corporation.

As any reasonable person could have foretold, England's *Union* of Church and State, and its respect for each others *Sovereignty* was doomed to failure at its inception. The State is *secular/worldly* and its Church was alleged to be *holy/spiritual*, which are literal opposites and naturally antagonistic to one another. And the Church was not equal to the State in its law making ability; and yet they were both attempting to mutually depend upon one another. Enter the usurpation of the King.

After its independence, the UNITED STATES has obviously made no attempt to repeat England's folly. Hence, it has maintained its divorce (separation) of Church and State.

* 1 ZORACH v. CLAUSON, 343 U.S. 306 (1952)

2 ... there shall be no concert or union or dependency one
3 on the other [of Church and State]... Otherwise, the State and
4 religion would be aliens to each other. - hostile, suspicious,
5 and even unfriendly. [emphasis mine]

7 GARRY, *The Myth of Separation*, *Hostra L. Rev.*: Vol. 33: Iss. 2 (2004)

8 "Although the early Americans may have believed in separation
9 of church and state, they believed in dividing church from state, not
10 God from state."

12 By its Constitution, the UNITED STATES is barred from establishing
13 a National Church, but it is not barred from establishing a State Church.
14 If one considers the fact that Scripture depicts Yahweh as the
15 only absolute King, with an unchangeable Eternal Law called Torah,
16 then it is easy to understand that no secular church could ever
17 be in a Union with Him, let alone any secular State, due to its
18 ever-changing statute law which conflicts with His unchangeable
19 "divine" nature. The Law of Yahweh is Public Law, and it is without
20 argument that His Law is Supreme. Every corporation, therefore described
21 whether church or state, could only operate as a Private inferior
22 corporation because it would not be in conformity with His unchangeable
23 Public Law. There could be no such Union, because there would not
24 be a Unity of like corporation, nor of equal jurisdictions, since the
25 Greater is a public Corporation Sole; and the other a limited private
26 corporation. Such a Public corporation in this circumstance would
27 necessarily have to prohibit the Private secular State from
28 exercising jurisdiction over all those that belong to the controlling

1 Public corporation. This precise difference between a Public and
2 Private corporation and their non-Union, is the very reason why
3 the courts of the UNITED STATES exercise criminal jurisdiction over
4 members of Church; but no church of the UNITED STATES can exercise
5 jurisdiction over any person within any STATE. A State's one-sided
6 criminal jurisdiction over "Church" is not only "legal" but necessary,
7 because every "church" of the UNITED STATES is deemed by its law as an
8 "established" PRIVATE CIVIL corporation! When its Constitution,
9 therefore, prohibits the "establishment" of a national Church, it is
10 speaking of a Public church corporation, the type of which can be
11 in a Union with the Public state corporation⁽¹⁾, and its secular,
12 ever-changing laws.

13
14 The "legality" of a State exercising jurisdiction over Church
15 and its Sovereign immunities fails when the "Church" in question
16 pre-existed the State as a Public spiritual corporation, or was
17 otherwise not "established" under the UNITED STATES.

* 19 ZOLLMAN, Powers of Religious Corporations, 13 Mich.L.Rev. 646 (1914-1915)
20 "None of [the four forms of religious corporations in the United
21 States] are ecclesiastical corporations in the European sense of the
22 word. All of them owe their existence, not to the authority of the
23 church, but to the authority of the state.

24 All are private, civil corporations, created merely for the
25 purpose of conducting the temporal affairs of the particular
26 church of which they are the handmaids.

27 The supreme law of a religious corporation will be found
28 in the laws constituting its charter. The charter of every corporation

① See p. 46, n1.

1 is its constitution.... Acting within the charter, the corporation
2 majority is sovereign."

3
4 Under this form of "church", it is easy to see the absurdity
5 that a charter of man could be "supreme" law over the Supreme
6 Law of Yahweh called Torah, which is unchangeable. It is also an
7 absurdity that Yahweh would not be the One Absolute Sovereign,
8 but the "majority" would be! But in the eyes of the laws of the
9 UNITED STATES, this precisely defines the nature of every "church"
10 that is "legally" under its jurisdiction.

11 One must simply look beyond the laws of the UNITED STATES.
12 Remember: every nation takes cognizance of other law, such as the
13 law of Treaties; the law of Nations, which depends partly upon the
14 Law of Yahweh, etc. See pp. 21-22. Indeed, one must take cognizance
15 of the Supreme Law of Yahweh "when the laws imposed by the State
16 fail," id. Because, as shown above, the word "Church" is redefined
17 by the law/vers of the UNITED STATES to fit the condition
18 that the law/vers wish the UNITED STATES to be in. This
19 deceptive use of words has placed a veil over the understanding
20 of how its secular Civil jurisdiction does not, nor can it
21 ever extend over the Sovereign immunity of the members of
22 the true Church that is an Ecclesiastical corporation of the
23 Public sort. Such members distinctly constitute a Religious
24 society of Holy Clergymen; that is, the exact opposite of a Civil
25 society of Common Laymen, respectively.

26 But the word "Church" is not the only term that has
27 been given new meaning that does not apply to the true Church,
28 that this document is concerned with. For this reason, it is

1 necessary that I reference the "old" common law definitions of
2 England, etc.; and applicable legal arguments that concern
3 Religious corporations that ~~pre-existed~~ the UNITED STATES. It
4 should be noted also that the aforementioned veil of the law/yers,
5 includes the deception of projecting its own perverted and delusional
6 perspective that the UNITED STATES is a Public corporation^①. Because,
7 if the Supreme Sovereign ("the People") were made to be honest
8 in their assertion that it is one Nation "under God", then they
9 would have to admit that, in no way, from the perspective of
10 Yahweh, could its corporation or Body politic ever be anything
11 but a Private corporation, since it is not in conformity with
12 His unchangeable "divine" Law called Torah! Furthermore, it
13 was a matter of revelation that "the GOD of this world" is
14 the Devil! 2 CORINTHIANS 4.4; REVELATION 12.9. The UNITED STATES is,
15 therefore, a Lawless "Person" in contemplation of law, since it cannot
16 be deemed "authorized" by the Public law of Yahweh, in its claim
17 to be a Public corporation. And the only "GOD" (Head) that can
18 "legitimately" complete such a lawless "Public" corporate Body is:
19 the GOD of this world, i.e., the DEVIL! See 2 THESSALONIANS 2.1-12.

20 The knowledge of the nature of the only "GOD" (Head) that is
21 legitimately associated with the lawless "Public" corporate Body
22 called the UNITED STATES, is necessarily imputed to the law/yers.
23 A presumption arises, therefore, that the law/yers worship, or are
24 otherwise under the control of the Devil-God, since it necessarily &
25 knowingly placed the UNITED STATES "under" such a lawless
26 GOD-DEVIL by a Pledge of Allegiance. 4 USCS § 4

① Under Article IV, § 4 of the U.S. Constitution, the early Republic form of government, by "the States in this Union," primarily operated under Public municipal law. This form of government obviously still exists, but must be called on, because mere public policy created by private debt money has reduced the bankrupt corporation called the UNITED STATES to function primarily as a Private corporation. Nevertheless, the fact that it is still a "municipal corporation" means that it operates in a dual capacity (public and private), whether by its own power, or by delegated power.

7. THE USURPED JURISDICTION OF THE STATE OVER THE CHURCH

KALSCHEUR, *Civil Procedure and the Establishment Clause*, Boston College L.J. (2008)

"[T]he American understanding of separation of church and state rejects "the juridical omnipotence and omni-competence of the state." (quoting, MURRAY, *We Hold These Truths* (1960), at 68).

To characterize government and religion as cosovereigns is to recognize that the churches are not simply voluntary organizations that exist at the sufferance of the state. They are not simply "jural entities, and not mere creatures of the law deriving their existence from the state. Rather, churches preexisted the state, are transnational, and would continue to exist if the state were suddenly dissolved or destroyed." (quoting MURRAY, *supra*, at 55).

"Acknowledging the churches as social actors possessing independent authority that is not of the state places a powerful limit on the power of the state. Such an acknowledgment affirms that the state's assertion of sovereignty is not absolute. The protection of the freedom of churches as "Sovereigns" not created by the state points to the existence of another sovereignty (the only true sovereignty) - that of God (or gods) - existing "beyond, before, and superior to the state." (quoting MURRAY, *supra*, at 67) [emphasis original].

For corporate Israel, not only can it be no "jural entity" of the state (*supra*), but its Church of Messiah can also be no 'juristic person'.

MAITLAND, *The Corporation Sole*, 16 L.Q. Rev. 335 (1900)

"... a church is no person in the English temporal law of the later Middle Ages.

... the ecclesiastical corporation sole is no 'juristic person'; he or it is either natural man or juristic abortion.

The failure of the church to become a person for English temporal lawyers is best seen in a rule of law.... A bishop or an abbot can bring a writ of right. A parson cannot. The parson requires a special action, the *iurta utrum*; it is a *singulare beneficium* provided to suit his peculiar needs."

Not only is a Parson (a Corporation Sole) not a 'juristic person', he is instead considered to be a natural man that is also necessarily in a perpetual office.

* MAITLAND, *supra*

"Goke's corporation sole is a man: a man who fulfills an office and can hold land to himself and his successors, but a mortal man.

So here we catch our corporation sole *in articulo mortis*. If God did not create him, then neither the inferior not yet the superior clergy are God's creatures.

If our corporation sole were really an artificial person created by the policy of man we ought to marvel at its incompetence."

1 From the perspective of the mind of man, it can create
2 a 'person' / corporation as an artificial representation or likeness
3 of itself, in order to protect the rights of individuals within its
4 State. Man is himself necessarily an artificial creation, made
5 only in the "likeness" of the fully "divine" Creator Yahweh, who is
6 immortal. In contemplation of law, therefore, Yahweh created a
7 'person' / corporation as an artificial representation, or eternal
8 "divine" likeness of Himself, in order to perpetually protect the
9 rights of the spiritual members of His Church.

* 12 RUNDLE et al v. THE DELAWARE and BARITAN CANAL CO., 14 Fed 335 ()
13 These artificial persons are called corporations. A corporation,
14 therefor, being not a natural person, but a mere creature of the
15 mind, invisible, and intangible, cannot be a citizen of a state,
16 or of the United States, and cannot fall within the terms or
17 power of [the Second Section of Article 3 of the Constitution], and
18 can therefor neither plead nor be impleaded in the courts of
19 the United States. [emphasis mine] (no state when man created)

* 21 RAILROAD TAX CASES, 13 F. 722 (1882)
22 "The inference, also, that such an artificial entity 'cannot
23 be a citizen' is a logical conclusion from the premises, which
24 cannot be denied."

25
26
27 There are various reasons why a corporation is not a
28 citizen of a state. For the Church of Messiah it is obvious that: (1)

1 Yahweh is a "foreign" Sovereign in relation to a secular State; (2)
2 Clergy, also, are not citizens of a State's civil society, being
3 civilly dead; (3) The Church is a 'thing' separate and distinct from
4 the common lay persons that constitute a secular State; (4) A
5 secular citizen is a 'juristic person', which a person is
6 not; (5) The Church preexisted the State; (6) A corporation is
7 invisible, existing in no way where its "appearance" in a court, etc.,
8 may be demanded by, and for, those in the physical realm; (7) Because
9 Yahweh, the absolute King, is necessarily a "foreign" enemy of a
10 State that is in open defiance of His public Law, it is deemed
11 by law that an individual loses his former citizenship, even in
12 an informal proceeding, when he knowingly or unknowingly commits
13 an expatriating act (e.g., taking an Oath of Allegiance) to such a King.
14 REVEDIN v. ACHESON, (1952, CA2 NY) 194 F.2d. 482; and RICHARDS v. SECRETARY
15 OF STATE, Dept. of State (1985, CA9 CAL) 752 F.2d 1413; and (8) The Word
16 of Yahweh says we are not citizens of any country on earth.
17 PHILIPPIANS 3.20; HEBREWS 11. 8-16.

20 In order for an individual to be "amenable" or liable to
21 be brought before any jurisdiction, as a subject to answer to its
22 law, a court must have both jurisdiction of the person; and of
23 the subject matter. In a criminal case against an immune
24 Church sovereign, if a State fails to obtain either jurisdiction,
25 then it has no judicial power over that sovereign.

* 27 BIGELOW v. STEARNS, 19 Johns. 39, 40-41 (N.Y. Sup. Ct. 1821)

28 "To give any binding effect to a judgement, it is essential
50.

1 that the Court should have jurisdiction of the person; and of
2 the subject matter..."

3
4 In any event, an immune sovereign cannot even be haled
5 into court without his consent. A court will, however, compel
6 his appearance by arrest; and then assume jurisdiction over
7 his 'person' if he fails to challenge the court's jurisdiction on
8 his own behalf, but pleads through an attorney. This implies
9 leave of court, which acknowledges its jurisdiction. See
10 WILLIAM WYCHE, *A Treatise on the Practice of the Sup. Ct. of Judicature*
11 *of the State of New York in Civil Actions* (New York, Swords 1799), at 109.

12
13 This device of a court may work against State sovereigns
14 and the like; but again, the Church and parson, etc. is not a
15 'juristic person', MAITLAND, *supra*, at p. 48.

16
17 BLACK'S, *Law Dictionary*, 6th ed.

18 Jurisdiction in personam. It may be acquired by an
19 act of the defendant within a jurisdiction under a law by which
20 the defendant impliedly consents to the jurisdiction of the court...

21
22
23 Although an individual is contemplated in law as a 'person',
24 it has also been the common practice of conquerors to reduce
25 conquered people to a 'thing', like property. And without
26 exception, Israyl has been conquered by Gentiles, and prevented
27 from having a monarchical King. A slave is a thing/property in
28 contemplation of law, which is what most of a conquered people

are reduced to. Of course Scripture reveals that it is the judgment of Yahweh to reduce Israyl to a Slave, which is a Thing, due to its rebellion against Yahweh. Notwithstanding the fact that corporate Israyl has been made a Slave of Gentiles, certain individuals remain as holy to Yahweh, and considered as having Yahweh as their Father. EXODUS 13.2 (firstborn males) and PSALMS 68.5 (the fatherless) respectively. In law, this change of status has profound implications for the Gentile nations that treat Israyl as a "Thing", because Israyl has that of a Slave-Master, or Wife-Husband relation to Yahweh. And it is universally known from Scripture that Israyl is generally in rebellion against Yahweh. In law, therefore, when it is widely known that a Master or Husband has an estranged, injurious and rebellious Slave/Thing or Wife, and who consequently causes another injury to a member of a Gentile nation, it is the Master or Husband that must be sought in a case. In U.S. law, when such a one is an immune Sovereign that cannot be compelled or otherwise commanded to "appear" in its courts, then His injurious property/"thing" may be seized, which effects a quasi in rem or "attachment" jurisdiction. This circumvents, or otherwise substitutes for, the court's need to gain jurisdiction over the 'person'. With regard to Yahweh, under these circumstances, it is not only a failure of reason, but blasphemous on the part of U.S. law to reduce Yahweh to a 'juristic person' and 'thing' in the alternative, in order to gain jurisdiction over His property. Thus, a State is "simulating process", which is a criminal offense. See, e.g., ORS 162.355 [1971 c.743 s.210; 1977 c.395 s.1].

* 1 THE SCHOONER EXCHANGE, 11 U.S. (7 Cranch) at 124
2 (Argument of the Attorney General) The jurisdiction
3 over things and persons, is the same in substance. The arrest
4 of the thing is to obtain jurisdiction over the person.⁽¹⁾
5

6 For the principal laws making the Owner responsible
7 for his injurious property/"thing", see EXODUS 21. 28-36; and
8 NRS 200.240.

9 With regard to those that remain and constitute the
10 Church of Yahweh or Messiah, a court cannot use in rem,
11 or "attachment" jurisdiction to circumvent the requirement of
12 obtaining jurisdiction over the 'person'. This is because
13 the Church (Subject) owns the Church (Object) and has, as a
14 matter of law, a parson who is not only assigned to protect
15 and defend its rights, but makes the property/"thing" of the
16 Church unavailable to the secular, because it is the Soul.
17

18 MAITLAND, *The Corporation Sole*, 16 L.Q. Rev. 335 (1900)

19 The Church (subject) owns the Church (object). [emphasis orig.]
20

* 22 ZOLLMAN, *Nature of American Religious Corporations*, 14 Mich. L. Rev. 37 (1915-16)

23 "In considering the effect which incorporation has on the
24 church and society these two must be carefully distinguished.
25 An unincorporated church, so called, if it has any interest in
26 property at all, presents a two-fold aspect. It has a body,
27 the society, with which courts can deal, and a soul, the church,
28 with which courts cannot deal.

* 1 Since the church is thus entirely removed from temporal
2 control it follows that incorporation will not affect it in the
3 least. The spiritual entity created by spiritual means can neither
4 be swallowed up nor affected by a temporal corporation created
5 under temporal statutes."

6
7
8 Yahweh is clear in Scripture when He says, "All souls are
9 mine." EZEKIEL 18.4. He is also clear that the Soul/Church is not
10 only made a Slave/"thing" to Yahweh, but provides for its
11 Redemption or Freedom, which is a spiritual mission of His
12 Religious or Spiritual society, or Church.

13
14
15 Because corporate Israyl has been conquered by Gentiles,
16 its "Religious" society has necessarily been reduced and restricted
17 to that of the Gentile's secular/profane "Civil" society. Israyl is
18 now a secular/profane "Civil" state corporation, by man's laws.

* 20 ZOLLMAN, Powers of American Religious Corporations, 13 Mich. L. Rev. 646 (1914-16)
21 "Every corporation must act according to its nature;" at 664

22
23 "... a religious corporation cannot... buy... slaves with the
24 purpose of emancipating them..." [citations omitted], at 665
25 (State can't eman. / redeem :

26 Remember: "All [religious corporations in the U.S.] are private,
27 civil corporations..." id., at 646. See p. 44, supra.

① However, with regard to quasi in rem (foreign attachment) jurisdiction over foreign sovereigns and their "things"/subjects, U.S. law is clear that:

"[quasi in rem jurisdiction] is in all essentials of jurisdiction the same as jurisdiction strictly in rem, so far as property is concerned; but no power can be assumed over the person because of the power over his property..." BEALE, The exercise of jurisdiction IN REM To Compel Payment of a Debt, 27 Harv. L. Rev. 107 (1913).

Such a process is also further defeated by the fact that the "thing"/res (Church/Soul) is an intangible property that exclusively belongs to Yahweh alone. And U.S. law concedes that a certificate of title to such intangible foreign property can be attached only in that place where the corporation books legally exist, that is, at the domicile of the corporation. id., at 111. And the Head/Founder of the corporation of Messiah is in HEAVEN! thus no State can "actually possess" title to the intangible "things" of Yahweh.

Put another way: a certificate of title to the birth of a "person" (straw man) is also not held in Nevada's jurisdiction, but is held at the foreign territory called Washington, D.C., in the Department of Commerce!

Before Israel was assumed "incorporated" into a strictly secular/profane State corporation, it is important to bear in mind that the "Parson" of its Church was not only in Holy orders, but was also ~~not~~ instituted and inducted by the Religious society (Body), but by his superiors of the Ecclesiastical Church (Soul).

1 BLACKSTONE, Commentaries on the Laws of England, § 376.

The method of becoming a parson or vicar is much the same. To both there are four requisites necessary: holy orders; presentation; institution, and induction.

MAITLAND, *The Corporation Sole*, 16 L.Q. Rev. 335 (1900)

"The parson was to be instituted and inducted by his ecclesiastical superiors."

It is also important to bear in mind that, for the spiritual Church as a Corporation Sole, it is only the Natural Man that can be its corporator.

MAITLAND, *supra*, at 353

But to all appearances there can be no legal transaction, no act in the law, between the corporation sole and the natural man who is the one and only corporator.

1 It is therefore an absurdity that a secular Civil corpo-
2 ration (the UNITED STATES) can have a right to "attach" or
3 otherwise "deal" with the property/"things" of Yahweh (the
4 Church/Soul), because: (1) a State is a 'juristic person', and
5 the full rights of the property of an Ecclesiastical Church
6 of Messiah inheres only in its Parson who is a Natural Man,
7 which a State is not; and (2) such a 'juristic person' (a State)
8 is not in holy orders, but in secular/profane orders; and (3) a
9 State is an aggregate corporation, and under such theory no
10 Trustee can do anything with the property of any Church/Soul
11 without a "declared" or "implied trust" from said Church. And
12 no aggregate corporation can succeed in a claim of obtaining
13 either "trust" from an Ecclesiastical Corporation Sole of Messiah,
14 because an aggregate corporation must have a minimum of
15 3 Trustees who act as corporators, and said Corporation
16 Sole only authorizes one Natural Man as corporator!; and
17 (4) Trustees in an aggregate secular corporation are 'juristic
18 persons' who, as such, are inherently not in holy orders, as
19 required by an Ecclesiastical Corporation Sole. Trustees, there-
20 for, can do nothing with the property of Yahweh, nor of the
21 Church/Soul, unless her society is, in law, regarded as a
22 secular/profane Civil corporation (Body), which an Ecclesiastical
23 Corporation Sole of Messiah does not have.

24
25 No device of a secular State, therefore, can reach to
26 expressly or "impliedly" gain in rem jurisdiction over the property
27 of an immune Sovereign (e.g., Yahweh), merely because its courts
28 know He cannot, or will otherwise not consent to its jurisdiction

1 over His 'person'.

3 YEREMIAH ("JEREMIAH") 49:19

4 For who is like Me [Yahweh]?

5 Who will arraign Me [Yahweh]?

6 And who is that shepherd who will withstand Me? [emph. mine]

* 8 NELSON, Sovereign Immunity as a Doctrine of Personal Jurisdiction, 115

9 Harc. L. Rev. 1559 (2002):

10 (recognizing the protections afforded to ambassadors and
11 other public ministers under the law of nations, and providing
12 criminal punishments for suing forth any writ or process
13 either to arrest their persons or to attach their goods) (citing,
14 Act of Apr. 30, 1790, ch. 9, 25-26, 1 Stat. 112, 117-18) [emphasis mine]

* 16 COMMONWEALTH v. KOSLOFF, 5 Serg. & Rawle 545

17 (Pa. Ct. Ayer & Terminer Phila. 1816) (Tilghman, C.J.) (noting that
18 "by the modern law of nations, Ambassadors, and other public
19 ministers, are, in general, exempt from criminal prosecutions")

21 U.S. v. ORTEGA, 24 U.S. (11 Wheat.) 467, 473 n.a. (1826) (reporter's note)

22 (observing that an ambassador, or other public minister,
23 cannot be proceeded against in any civil case by compulsory
24 process in any Court whatever")

27 A court's *in rem*, or "attachment" jurisdiction over a
28 Sovereign's property/"things" (slaves or goods, etc.) is a compulsory

1 or "mesne process" for coercing or otherwise impliedly
2 gaining the "appearance" of such a "person" in its court.
3 This cunning device may work against those assumed to be
4 "popular Sovereigns" and "common law Sovereigns", but it fails to
5 reach immune "law of nations Sovereigns"; and even less the
6 Supreme Sovereignty of Yahweh.

7 Thus, when a court unlawfully exercises in rem, or
8 "attachment" jurisdiction over professed Church members of
9 the Ecclesiastical Sole Corporation of Messiah (the property/
10 "thing" of Yahweh), it is also subjecting itself and the State
11 to prosecution for a judicial Act of War against an immune
12 Supreme Sovereign and Enemy of its State; because the court
13 knows that it can never obtain 'in personam jurisdiction'
14 over Yahweh. Therefore, a court could never enter a judgment
15 against Yahweh, or else His property/the Church. Because, like
16 ambassadors (literally, servants), the immunity which they have
17 extends to their immediate family members, personal employees,
18 and attendants.

19 It is universally known that the Head of the Church
20 (Messiah) is called the Servant (Ambassador) of Yahweh. It
21 is without question, therefore, that the members of His Church
22 are protected by His immunity, as undoubtedly being His
23 immediate family members, personal employees, or else
24 attendants.

25 Moreover, it is a matter of Revelation that, in the dealing
26 of things, the "merchants of the earth" would "trade" the "bodies and
27 souls of men" like "merchandise". REVELATION 18.11-13

WEISS'S Concise Trustee Handbook, 2nd ed.

"Though all courts are familiar with in personam (against persons), it is the action in rem (against things) which though practiced only in Maritime Law, stealthily operates in every civil and criminal court. This principle is one of the least understood in its entirety.

In rem jurisdiction over a man or woman can only exist if the man or woman is a slave, i.e., property or res (an object), in which case his or her disposition at law is no different than if he or [s]he were a horse or other goods. See THE ZONG (Gregory v. Gilbert), 99 E.R. 3:233 (K.B. 1783). In nature, in rem jurisdiction is exercised over men and women by their Creator, exclusively. Governments can therefore gain only a fictional in rem jurisdiction over men by creating various legal devices (personas) for those men to assume limited control of (e.g., citizen, taxpayer, driver, etc.). Since the device is legal fiction, a falsehood made true by force of law, this persona is in fact a legal object or res.... AMERICAN LAW & PROCEDURE, vol. XIII, ch. V, § 65, pp. 156-157.

* "The words persona and personae did not have the meaning in the Roman which attaches to homo, the individual, or a man in the English; it had peculiar reference to artificial beings, and the condition or status of individuals." (quoting Gaius, 'person' defined).

"When we speak of a person, we only consider the state of the man, the part he plays in society, abstractly, without considering the individual." 1 BOUV. Inst., note 1.

The only "part", therefore, that one's 'person' can play in a State's secular Civil society after entering into the Church (a public Ecclesiastical Corporation Sole), is that of a DEAD 'PERSON' because "Civil Death" is the consequence of such act! See 1 BLACKSTONE supra, at p.25. Such civilly dead 'persons' no longer owe a commoner's Civil standard of Duties to secular society, but Civil society still owes them Rights, because they still exist. And it goes without saying that no dead person can commit a secular statutory crime against persons in a Civil society, let alone when its secular criminal law requires able persons to not fail a civil Duty owed to others, as the standard by which 'wrongs' are measured.

This necessary application of the exemption of civil Duties from the civilly dead is manifest even by Nevada's own acknowledgment of the civil death of a Parent, when the Parent-Child relationship has been severed by the State. See DRURY v. LANG, 105 Nev. 430 (1989) (holding that severance of the parent-child relationship is "tantamount to imposition of a civil death penalty"). Such a person's role is dead with regard to his civil Parent - civil Child relationship, but not with regard to his civil Citizen - civil State relationship. Thus, the State and Child still owe that person (civil Citizen) Rights, although he no longer owes civil Duties of a Parent. And because that 'person' still exists in a civil Citizen - civil State relationship within secular society, he can still sue and be sued by the State.

Those Rights, therefore, that secular civil society still owes to the Spiritual, or Religious who has entered into the Church

(a public Ecclesiastical Corporation Sole of Yahshua Messiah), are those Rights belonging to the Church. Because the Spiritual is not merely severed from a civil Parent - civil Child relationship, but from the complete civil Citizen - civil State relationship. If those Rights were otherwise, a secular civil State would be left with the absurd proposition that it can exact civil citizen Duties/Debts from a DEAD 'PERSON' that can no longer even 'act' in a State's secular civil society, but remains dead and unresponsive amongst other things.

Now the State fancies itself as having the ability to render "civilly dead" a person, with respect to his capacity to act as a Parent, if something is done that causes a forfeiture of that right. This operation of the law has serious implications for the State, with regard to Yahweh and the Church. For Yahweh is not only "a Father to Israel" (YEREMIAH 31.9), but also "a father of the fatherless" (PSALMS 68.5), notwithstanding one's physical lineage. In England also, the King is said to be a "father" to the people. And the UNITED STATES had all the rights and sovereignty of its former King transferred to "the People". See p.37, supra. As sovereign, "the People" are not a father to everyone in the UNITED STATES, but a father to the fatherless. A maxim of law clarifies this.

* BOUVIER'S, Law Dictionary (1856), MAXIM:

"Cui pater est populus non habet ille patrem.

He to whom the people is father, has not a father. Co. Litt. 123."

I have previously mentioned that there is always a remnant associated with the Church, because they are made holy ("consecrated") to Yahweh (e.g., the firstborn males, EXODUS 13.11-16). Notwithstanding the fact that a sovereign may possess slaves/"things", the Law of Yahweh commands that the firstborn males be emancipated by "redeem[ing]" them when born (v.13). But I have also shown that the State's civil Churches "cannot... buy... slaves with the purpose of emancipating them." ZOLLMAN, supra, p. 54. The State, therefore, as a father to the fatherless, is also necessarily dead/cut off by the Law of Yahweh, for likewise failing the Duty to Redeem the firstborn males. The fatherhood, therefore, falls to Yahweh. At this point, the State (a civilly Dead parent) engages in criminal Collusion with civilly dead biological parents, for the purpose of buying/trading those firstborn males for nothing of any intrinsic value to the signer, except their Certified receipt (Birth Certificate). But those firstborn males belong to Yahweh, from whose possession neither dead party can prove they can "draw" out of, let alone have a Right to sell. The selling of one's children into servitude is a Parental right/privilege, which neither dead party has any longer. And because those firstborn males were unlawfully sold for nothing, Yahweh has the Right to Redeem them for NOTHING!

ISAYAH 52.3

"For thus says Yahweh: You have sold yourselves for nothing, and you shall be redeemed without money."

1 Because the People, as a father to the fatherless, is
2 incapable of, or otherwise refuses to Redeem the firstborn
3 males, it necessarily Abandons or else Forfeits to Yahweh,
4 the Supreme foreign Sovereign Father, title to / possession
5 of those firstborn males. And since it takes the supreme
6 sovereign power of a State (the collective People) to act as -
7 or rather, to become dead to acting as - a father to the
8 fatherless, a 'dead' supreme sovereign can never exercise
9 sovereign power of forcibly taking custody of those firstborn
10 males that it recklessly Abandoned. Yahweh is clear in His
11 rebuke of secular kings/sovereigns for their sakes.
12

13 PSALMS 105.13-15:

14 "When they went from one nation to another people,
15 He permitted no one to do them wrong; Yes, He rebuked
16 kings for their sakes, saying, "Do not touch My anointed
17 ones, and do My prophets no harm."
18

19 With regard to all the members Consecrated to the
20 Service of Yahweh ("Anointed Ones"), a State's position is
21 worsened by the fact that the Church (an Ecclesiastical
22 public Corporation Sole) does not have a fictitious corporate
23 name of a juristic legal 'person', by which a secular court
24 can gain her 'implied' consent to in personam jurisdiction.
25

* 26 O'HARA, The Modern Corporation Sole, 93 Dick. L. Rev. 23 (1988)

27 "The [old common law] corporation sole lacks the usual
28 trappings of a corporation. It does not have...[a] corporate name."

1 See, MAITLAND, *supra*, p. 48; and McDANIEL, *supra*, p. 33. And
2 neither can a secular/profane court consider members of a
3 holy Ecclesiastical Corporation Sole as 'consolidated' within
4 the nature of such a common profane State corporation.
5

* 6 ZOLLMAN, Powers of Religious Corporations, 13 Mich. L. Rev. 646 (1914-1915)
7 "At common law, corporations had no power to consoli-
8 date... Under modern corporation acts, such power to consoli-
9 date is sometimes granted, subject to certain conditions....
10 Nor can such consolidations be effected unless the cor-
11 porations are of a similar nature."
12

13 Not only is there the incompatible nature of a profane
14 State and holy Church, but also a private Aggregate and
15 public Sole corporation, respectively.

16 It is clear then, that, since an Ecclesiastical Cor-
17 poration Sole has no corporate name, there is never any
18 juristic 'person' for a court to gain 'implied' in personam
19 jurisdiction over, by the device of seizing an Accused
20 member thereof, in his capacity as a "thing"/res! Further-
21 more, such a Corporation Sole is given whatever non-juristic
22 spiritual name its founder only chooses it to be commonly
23 known by. Thus, no court can arbitrarily supplant its spiritual
24 name for that of an Accused member's 'legal', albeit, civilly
25 dead secular Straw Man/Corporate name. But that has
26 been precisely what courts have been doing to known (judicially
27 noticeable) professed members of said Church. Again, it
28 has been committing the crime of "simulating legal process"

1 against members of the ancient Church. And I should briefly
2 interject here, against any claim that no such common law
3 "old" Corporation Sole exists, by the answer that no cor-
4 poration can 'die' without proof that it has ceased to
5 have official meetings. And the Seventh-Day/"Saturday"
6 Sabbaths of the Church are the official Days in which
7 the people of Yahweh meet!

8 And since the case at bar occurred at a private
9 place for worship on a Seventh-Day Sabbath of Yahweh,
10 the State must protect the Accused by its Ministerial
11 Exception, whereby no secular standard of conduct can
12 be used against him during times of official service.
13 In fact, by counterclaim, the Accused demands the right
14 to have all "necessary parties" "present," which would manifest
15 the fact that this is a criminal case, illogically brought by an
16 enemy secular State, against the Creator Yahweh and His
17 Church. Put another way: in U.S. law, a contract (agreement)
18 to jurisdiction is done between legal "persons" (the "State"
19 and a "Citizen" of a State), but the Church is never a "person,"
20 but a "thing." Thus, as far as it concerns the individual
21 spirituals of the Church, a State's claim of gaining an
22 "implied consent" (agreement) to "in personam" jurisdiction
23 over them, is "Void ab initio," and a plain criminal act of
24 "simulating legal process." The State's only alternative, then,
25 is to make such a member seized, as a quasi in rem
26 (Foreign attachment), which makes not the "thing," but Yahweh
27 (the Owner of the "thing"), the "person" over whom "in personam
28 jurisdiction" is aimed at in such a "Personal Action" seeking

1 payment of a debt, due to injury. But Yahweh is no legal
2 "person," and no default judgment can be entered against
3 a foreign immune Sovereign without His "appearance" in
4 court. Every criminal process, therefore, brought by the State
5 against such members, can amount to no more than a
6 "Real Action" against a "thing," which penalties do not
7 comport with those sought by criminal statutes. But
8 since the State does not know Yahweh and His spiritual
9 "things," a maxim of law would further defeat a State's
10 position.

11
12 BOUVIER'S, *Law Dictionary* (1856); MAXIM:

13 "Quod nullius esse potest, id ut alicujus fieret nulla
14 obligatio valet efficere.

15 Those things which cannot be acquired as property,
16 cannot be the object of an agreement. Dig. 50, 17, 182."

17
* 18 "Oportet quod certa res deducatur in judicium.

19 A thing, to be brought to judgment, must be certain
20 or definite. Jenk. Cent. 84."

21
22 Scripture is clear that the holy Church is contemplated as
23 the Wife of the One holy Son of Yahweh. EPHESIANS 5.22-33, He
24 could not, therefore, be imagined as having adulterously permitted
25 a profane 'person' (State) freedom to "touch," let alone "acquire",
26 His Wife, and thereby afford a State a claim that it can punish
27 or otherwise enter a judgment against such foreign property.

1 It is also clear that U.S. and Nevada law have
2 not, nor indeed can they, define/make definite the Church
3 (a public Ecclesiastical Corporation Sole of Messiah), her
4 boundaries, or rights, etc. States have only gone so far as
5 to define its own private civil churches, but not as
6 municipal corporations, which Ecclesiastical Corporations
7 Soles are, but merely as private business handmaids cre-
8 ated by States.

9
10 ZOLLMAN, Nature of American Religious Corporations, 14 Mich. L. Rev 37 (1915-16)

11 "To sum up: The modern American religious corporation
12 in its relation to the state is, unlike its predecessors, in
13 no sense a public municipal body but a mere private
14 corporation created by the state for the benefit of
15 the corporators and those connected with them. In
16 its relation to the church it [the religious corporation/the
17 associates of the church] is not a spiritual agency with
18 powers to preach the gospel and administer the sacra-
19 ments but a humble handmaid whose functions are
20 confined to the creation and enforcement of contracts
21 and the acquisition, management and disposition of
22 property. The corporation thus has neither public nor
23 ecclesiastical functions, being a mere business agent
24 with strictly private secular powers."

25
26
27 However "reasonable" it may be thought of, that an
28 American church must forever be shamefully made a mere

1 unmarried/unmerged "business partner" of a State, it is
2 obvious that such a shameful status cleverly provides
3 the State with an "agreement", and hence jurisdiction
4 over the property ("things"/servants) of such a church, which
5 a State would not otherwise have, if the Church were a
6 married/merged Ecclesiastical Corporation Sole of Messiah!
7 For its own cunning purposes, states have effectively
8 prohibited MaRRiAGe/MeRGers, even the recognition of the
9 common law type. And that amounts to a Bill of Attainder.

11 1TIMOTHY 4.1-3

12 "Now the Spirit expressly says that in latter times
13 some will depart from the faith giving heed to deceiving
14 spirits and doctrines of demons, speaking lies in hypocrisy,
15 having their own conscience seared with a hot iron, forbidding
16 to marry..."

17
18 Unlike an Ecclesiastical Corporation Sole which is only
19 a "Thing" with no corporate name, American churches are
20 artificial "persons," which is their fictitious corporate names.

22 In all hypocrisy U.S. courts say:

24 BEASTON V. THE FARMERS' BANK OF DELAWARE, 9 Fed 1017 (...)

25 "Persons, in law, are artificial as well as natural
26 persons; and in the act of Congress there is nothing which
27 is not equally applicable to both."

1 From the aforementioned, it is obvious that a
2 secular state can have no jurisdiction over an Ecclesiastical
3 Corporation Sole of the Messiah. The UNITED STATES, more-
4 over, must be said to be under a Treaty with whom it
5 believes is the absolute Sovereign Creator, since it says
6 it is "one nation under God." 4 USCS, § 4. The founding
7 forefathers clearly expressed that the purpose of their
8 King's charter was to establish "christian" colonies
9 in this country. And "christians," like Israyl, universally
10 believe that Yahweh made a Covenant (Treaty) with all
11 believers. And because Yahweh has no equal, His Covenant
12 (Treaty) is unilateral, requiring only an individual's assent
13 or implied consent. When there is such a Treaty, it is
14 understood that "reciprocity" must be shown by an
15 inferior State, in order to exercise jurisdiction over
16 those in Covenant/Treaty with Yahweh.

* 18 BEALE, Jurisdiction of Courts Over Foreigners, 26 Harv. L. Rev. 193 (1912-1913)
19 "This principle of jurisdiction [reciprocity] was
20 probably first invented by the compilers of the French
21 civil code. According to its doctrine a court may
22 exercise jurisdiction of a foreigner wherever the courts
23 of the foreigner would, under the same circumstances,
24 have exercised jurisdiction over its citizens."

27 It is clear, therefore, that no case would be
28 brought by the government of Yahweh, under circumstances

1 where a murder suspect like the Accused has only one
2 witness against him in the case at bar, and not the
3 required two or three witnesses. DEUTERONOMY 17.6. It
4 must also be remembered that there is only capital
5 murder and manslaughter in Biblical Law; that is, there
6 are only the penalties of death and exile, respectively.
7 Moreover, under the government of Yahweh, a court would
8 actually be left with no witness in the case at bar,
9 since it does not accept the testimonial evidence of
10 women. (p Joma 43^b)

11 Under the U.S. Constitution, "full faith and credit"
12 must be given to the laws of a foreign sovereign. And no
13 court can feign ignorance of, nor reject the "judicially
14 noticeable" public facts that, Biblical Law in no way
15 requires formal documentation: (1) to make firstborn
16 males sanctified (holy) to Yahweh; (2) to effect civil death
17 upon parents who abandon their duties to their children;
18 and upon those who leave citizenship of a State by entering
19 the Church; (3) to Expatriate, or become citizens of a foreign
20 Sovereign; (4) to effect Redemption, or Freedom from bondage;
21 and (5) to effect the protections of the foreign sovereign
22 immunities of the Church; etc. Indeed, imputation of
23 this knowledge to every State is necessary today, due to
24 the fact that computers store this information about
25 individuals. Male births are recorded. The rituals of baptism
26 for official members of a Church are recorded. Open professions
27 in courts are recorded, as well as those made on the internet.
28 Can a court intentionally (willfully ignore) these facts? Is it

1 not a federal crime for an individual to intentionally (by
2 willful ignorance) carry any unlawful thing across
3 jurisdictions, while intentionally (by willful ignorance) avoiding
4 awareness of where another placed, for the individual,
5 the unlawful possession of such a thing?

6 A few examples of matters cognizable in man's
7 laws, which are effected by mere assent or implied
8 consent, ought to demonstrate the extent to which
9 courts (judges, prosecutors, and defense attorneys) intentionally
10 (by willful ignorance) carry over foreign "things" into its
* 11 unlawful jurisdiction. Under 8 USC, § 1481 (Ann.) are
12 the following admissions:

13
14 • A person performs an expatriating act with
15 the intent to renounce his citizenship whether or not
16 he knew act was expatriating act. RICHARDS v. SECRETARY
17 OF STATE, DEPT. OF STATE (1985, CA9 Cal) 752 F.2d. 1413.
18

19 REM. The observance of the amnesty Passover ritual,
20 is for the recognition of the "exodus"/departure (hence,
21 expatriation) of believer, as provided by the Supreme
22 Foreign Sovereign who is Yahweh.
23

24 • A person's right to expatriation is not dependent
25 upon consent of government. U.S. ex rel WRONA v. KAMUTH,
26 (1936, DC NY) 14 F. Supp. 70.
27
28

* 1 • Expatriating conduct may be such as to indicate
2 an "implied renunciation of tie." In re R---S--- (1958, BIA)
3 71 F.N. Dec 718.

4
5 REM. "Allegiance is the tie, or ligamen, which binds
6 the subject to the king, in return for that protection
7 which the king affords the subject." 1 BLK. Comm. §§ 354-56.
8 And allegiance is effected by "an implied, original, and virtual
9 allegiance... antecedently to any express promise; and although
10 the subject never swore any faith or allegiance in form." id,
11 at §§ 356-57.

12
* 13 • A person who takes a foreign oath of allegiance
14 to a king, in an informal proceeding, loses his former
15 citizenship. REVEDIN v. ACHESON, (1952, CA2 NY) 194 F.2d. 482.

16
17 REM. Yahweh is obviously a "foreign" King, who has
18 provided the necessary informal, implied, original, tie
19 of allegiance through His Passover ritual, etc. It necessarily
20 follows that the members of a "foreign Ecclesiastical
21 Corporation Sole of the Son of Yahweh" cannot be a
22 citizen of a state, or of the United States." See RUNDLE,
23 supra, p. 49.

24
25 • A person may renounce his nationality with or
26 without a claim of allegiance to another nation. DAVIS v.
27 DISTRICT DIRECTOR, IMMIGRATION & NATURALIZATION SERVICE
28 (1979 DC Dist Col.) 481 F.Supp. 1178.

1 REM. At birth, a "person" is, under U.S. law, assumed
2 to be in allegiance as a Citizen of a State, by his assent
3 or implied consent. But "obligations of naked assent"
4 are dissolved "by similar naked assent," BOUVIER'S,
5 Maxims, supra, pp 27-8. A state must, therefore, accept
6 as valid, the assent that effects the binding tie of
7 allegiance to Yahweh and a professed member of
8 such a "foreign" Ecclesiastical Corporation. Sole of the
9 Son of Yahweh, when asserted in a court, or judicially
10 noticeable by some other record.

11
12
13 Due to the aforementioned points, the Accused
14 directs attention to the attached AFFIDAVIT containing
15 judicially noticeable facts, and assertions made to defense
16 attorneys and Nevada's district court, that the Accused
17 belongs to such a "Church."

CONCLUSION

From the perspective of the Civil aspect of the Supreme Biblical Law of Yahweh, the UNITED STATES is an inferior private corporation that is civilly dead, due to abandoning and forsaking the Accused as a firstborn male and fatherless child who, otherwise, would naturally share the supreme sovereign immunities of the People, as a father to the fatherless. Such immunities include the pre-existent Church's immunity from a State's secular criminal prosecution, called Benefit of Clergy, which was expressly abolished by statutes for "persons" as citizens, but does not include the greater supreme sovereign ("the People"), since they must be expressly named. Because of the civil death of the People, the fatherhood falls to Yahweh, which necessarily places the Accused in His pre-existent Church. And because the supreme sovereignty of the UNITED STATES ("the People") have "divorced" themselves from the Union of Church and State, and are now civilly dead, there no longer remains a supreme sovereign power, which is required to also be in actual possession of a foreign supreme sovereign's property or "thing"/res, before a court can exercise jurisdiction over it. Furthermore, it is understood in secular law that the "res" is one's *persona* or straw man, over which a court gains its Fictional jurisdiction. And like other incorporeal property that one may be the owner of, or hold title to, the State, e.g., created birth certificates as the instrument to hold title to one's *persona* or straw man. If, however, an individual is a foreign-born citizen under the protection of a foreign sovereign, as his "thing"/slave, the State of Nevada, e.g., can

1 only obtain jurisdiction if it can show that the title to
2 such property has a situs or location within the control
3 or power of the court. Typically, that is not a problem,
4 since birth certificates are created around the world and
5 have a location where they are reachable in cases of liens, or
6 seizure, for example.

7 The Kingdom of Yahweh also records and holds title
8 to all of its citizens' spiritual births. The situs or location
9 where the names of His citizens are accounted for in "Books",
10 is heaven itself. At this point it should be plainly obvious
11 that no man on earth can find, let alone seize, control,
12 or exercise power over, these created records or books, in
13 order to gain *in rem*, or *quasi in rem* (foreign attachment)
14 jurisdiction over any citizen of the Kingdom of Yahweh, which
15 members of the Church are. Such a person must be in
16 actual possession of such documents or records, which no
17 state, court, or other earthly power can do.

18 Nevada's position does not reach this far, however, because
19 when a civilly dead supreme sovereign of a country has lost its
20 jurisdiction over a matter, it cannot use its inferior State
21 court's sovereignty ("the People" of Nevada) to circumvent that deficiency.
22 The civil death of the UNITED STATES, and its apo-state status
23 ("separation") from the Church of Yahweh, at the Federal level, includes
24 the State level.

25 These matters are at the civil aspect of law, and the
26 UNITED STATES must give "full faith and credit" to the laws of a
27 foreign sovereign power. And "judicial process," and other processes
28 of law are derived from the civil aspect of law, and its civil

1 principles. In the Biblical Law of Yahweh, His government
2 does not give jurisdiction over any individual accused of a
3 capital offense when the Accuser has only one eye witness;
4 nor when the witness is a woman. DEUTERONOMY 17.6; and p. Joma
5 43^b respectively. In the case at bar, the Accused is in exclusive
* 6 allegiance to the "foreign" Government of Yahweh. And under the
7 principle of jurisdiction called "reciprocity", no court of the
8 UNITED STATES can exercise jurisdiction of a foreigner, unless
9 "the courts of the foreigner would, under the same circumstances,
10 have exercised jurisdiction over its citizens." BEALE, Jurisdiction
11 of Courts Over Foreigners, 26 Harv. L. Rev. 193 (1912-1913).

12
13 It is the position of the Accused that the Supreme Court
14 must hear such a matter, whereby the Accused asserts his
15 exclusive allegiance to, and foreign sovereign immunity of, the
16 pre-existent public Corporation Sole called the Church of Yahweh;
17 because the circumstances, herein, that has rendered the
18 Executive branch civilly dead, logically preclude it from being
19 sought for a "suggestion of immunity". Furthermore, it cannot
20 be a matter for the Legislative branch, because not only
21 is it responsible for writing the law which effectively
22 caused the civil death of the UNITED STATES, but its Foreign
23 Sovereign Immunities Act "addresses neither head-of-state
24 immunity, nor foreign sovereign immunity in the criminal context."
25 UNITED STATES V. NORIEGA, 117 F.3d 1206, 1212 (11th Cir., 1997). Cf. also
26 SAMANTAR V. YOUSUF, 130 S.Ct. 2278, 2291 (2010). Put another way:
27 it is the express will of the Legislature that the UNITED STATES
28 not only be an offender against the divorce laws of Yahweh, by

1 "separating" her, but that she also be made civilly dead by
2 His Law for abandoning and forsaking the firstborn males
3 and the fatherless. Thus, the Accused alone, who is a firstborn
4 male and fatherless, cannot logically be expected to appeal
5 to, let alone be fairly heard by, the very branch responsible
6 for said civil death, since that would necessarily involve the
7 unreasonable belief that that Legislature could write a law
8 which would effectively reverse its will for all, at the petition
9 of one man.

10 But the Supreme Court, as the Judicial branch, can annul
11 the laws of the Legislature, if for an individual case only; but
12 not because it is not itself civilly dead (since it is obviously
13 included in the two-thirds majority rule that constitutes
14 the UNITED STATES). But rather, because it can speak to the
15 truth that the laws of the Legislature, which are the express
16 will of the People of the UNITED STATES, only extend to the one-
17 third minority by a legal fiction. Such an aggregation of wills
18 by a two-thirds majority rule, necessarily disregards and
19 overrules the wills of one-third of the population.

20 Because of the firstborn male status, and fatherless
21 status of the Accused at the age of 9, Yahweh has the exclusive
22 right of Fatherhood to the Accused, as explained in ARGUMENT.
23 Furthermore, allegiance to the UNITED STATES is obtained
24 by an informal "implied original" oath, or naked assent, from
25 the time of a person's birth, which means its government has
26 never obtained or demanded a formal oath of allegiance from
27 all of its citizens. If it needed a formal oath, the Accused
28 could show that the UNITED STATES Government cannot even

1 argue that the Accused presumptively owes it allegiance, by
2 demanding that the government produce a signed formal document
3 of allegiance, which it knows it does not have. The government
4 cannot, therefore, deny that allegiance to Yahweh, a "foreign"
5 King, is likewise obtained by an informal "implied original"
6 oath, or naked assent. The U.S. Government also cannot demand
7 a formal renunciation, because such informal ties that
8 bind are, in law, loosened by the same informal means. Other-
9 wise, the government would first have to produce a formal
10 renunciation to Yahweh, since He created one man first, who,
11 having no other to be subject to, could only owe Yahweh
12 allegiance.

13 The Government of the UNITED STATES has no jurisdiction
14 over the Accused, who is known as Ariyl, a spiritual parson.
15 Simulating legal process is a criminal offense against a
16 sovereign, and an Act of War and Hostility, which is imputed to
17 the entire nation of the UNITED STATES, as its own willful
18 Act.

19 Ariyl is legitimately foreknown and foreordained as
20 an official representative Gentile convert to the re-newed
21 Israylite Kingdom of Yahweh, under His Son Yahshua the
22 Messiah (the Anointed One). As such, the Accused should be
23 declared immune, and released. To do otherwise, is to boldly
24 imagine that this nation cannot only commit an Act of War against
25 the Kingdom of Yahweh, but can stop Him from destroying it for doing so.
26

27 DATED: May 14, 2020 C.E.

ROBERT BROWN-6006120 (Legal Person-lay Corp.) by

Ariyl LE444 (Spiritual Parson-Corp. Sole)

① MAILLAND, The Corporation Sole, 16 L.Q. Rev. 335 (1900)

A corporation is an aggregation of head and body: not a head by itself, nor a body by itself.

Xtra

① See p. 46, n. 1.

P. 44 (note/s)

① Under Article IV, § 4 of the U.S. Constitution, the early Republic form of government, by "the States in this Union," primarily operated under Public municipal law. This form of government obviously still exists, but must be called on, because mere public policy created by private debt money has reduced the bankrupt corporation called the UNITED STATES to function primarily as a Private corporation. Nevertheless, the fact that it is still a "municipal corporation" means that it operates in a dual capacity (public and private), whether by its own power, or by delegated power.

① However, with regard to quasi in rem (foreign attachment) jurisdiction over foreign sovereigns and their "things"/subjects, U.S. law is clear that:

"[quasi in rem jurisdiction] is in all essentials of jurisdiction the same as jurisdiction strictly in rem, so far as property is concerned; but no power can be assumed over the person because of the power over his property..." BEALE, The exercise of jurisdiction IN REM To Compel Payment of a Debt, 27 Harv. L. Rev. 107 (1913).

Such a process is also further defeated by the fact that the "thing/res (Church/Soul)" is an intangible property that exclusively belongs to Yahweh alone. And U.S. law concedes that a certificate of title to such intangible foreign property can be attached only in that place where the corporation books legally exist, that is, at the domicile of the corporation. id., at 111. And the Head/Founder of the corporation of Messiah is in HEAVEN! thus no State can "actually possess" title to the intangible "things" of Yahweh.

Put another way: a certificate of title to the birth of a "person" (straw man) is also not held in Nevada's jurisdiction, but is held at the foreign territory called Washington, D.C., in the Department of Commerce!

1 prison's chapel library; and (2) allocating time, in its chapel
2 every week, for House of Yahweh services.

3 (7) Upon parole in 2006, the Accused was granted
4 written permission by his parole agent, for an out-of-state
5 leave to the House of Yahweh in Abilene, Texas, in order
6 to be officially baptized, during a week-long stay there to
7 celebrate the Israylite Passover (expatriating) Feast of Yahweh.

8 (8) In 2006, the Accused registered the unique online
9 domain "Ariyl.com", which corresponds to his existence and
10 function as a Spiritual (an "Ecclesiastical Corporation Sole"),
11 and which domain was exclusively used for publishing Ariyl's
12 own videocasts and written commentaries on the Israylite
13 faith.

14 (9) In about 2006, the Accused also registered his
15 2006 Nissan Pathfinder with the personalized license plate
16 "Ariyl".

17 (10) By common law, the Accused has lawfully changed his
18 name to "Ariyl", especially since he is known primarily, if not
19 exclusively, by this spiritual name.

20

21

22

23

24 WITNESS:

25 DILON HESS #2876767

26 

27

28 DATED: May 14, 2020 G.E.

AFFIRMANT:

ROBERT BROWN JR. (legal person - lay corp.), by
Ariyl L3444 (spiritual parson - Corp. Sole)

AFFIDAVIT

I, ROBERT BROWN JR. (a legal person - lay corporation), by Ariyl (a spiritual person - corporation sole), do hereby affirm under penalty of perjury, that the foregoing facts are true and accurate to the best of my knowledge and ability. Such facts show the State's prior knowledge that: (1) the Accused is a propositus by common law, being born against man's laws (bastardy), but within the "law of nature"; and (2) the Accused has expatriated.

1. Born in 1969, the Accused (ROBERT BROWN JR.) is the only child of his then unmarried adolescent Black father (ROBERT BROWN) and unmarried adolescent Mexican-Indian mother (MARIA G. EAJARDO).

2. Said father and mother did not marry each other until the father was in prison in 1974, being himself civilly dead.

3. Said father died in 1979, when the Accused was 9 yrs. old.

4. Said mother did not remarry until 2020, when is 6 yrs. after the Accused was charged in this case.

5. While serving his only prison sentence from 1997-2000 in California, the Accused: (1) converted to the ancient Hebrew Israylite faith, in Salinas Valley prison (2001); (2) changed his name to "Ariyl" to reflect his new spiritual life and association with Israyl; and (3) began sending monthly cash offerings to the Israylite sect, House of Yahweh, Abilene, Texas.

6. Later, while in Delano prison (2001-2002), the Accused alone established Delano's recognition of the House of Yahweh, including: (1) Delano's housing of House of Yahweh literature in the



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-14-299234-1
DEPT. IX

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

13
14 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
15 THURSDAY, JUNE 11, 2015

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **ALL PENDING MOTIONS**

18
19 APPEARANCES:

20 For the State:

COLLEEN BAHARAV, ESQ.
Deputy District Attorney

21
22 For the Defendant:

ANDREA LUEM, ESQ.
AMANDA GREGORY, ESQ.

23
24
25 RECORDED BY: YVETTE SISON, COURT RECORDER

1 Las Vegas, Nevada, Thursday, June 11, 2015

2
3 [Hearing began at 9:37 a.m.]

4 THE COURT: Robert Brown, C299234-1. The record should
5 reflect the presence of the Defendant. This is a status check resetting of
6 trial and status check file review. Counsel will you state your
7 appearances.

8 MS. BAHARAV: Colleen Baharav, B-a-h-a-r-a-v for the State.

9 MS. LUEM: Andrea Luem and Amanda Gregory on behalf of
10 Mr. Brown, Judge. He's present in custody.

11 THE COURT: I'm looking for my Marshal. I just remanded
12 somebody, so he's in there.

13 MS. LUEM: Judge can we approach?

14 THE COURT: Sure. You know it's not going to be recorded
15 right? It's not that I don't want to; it's just that the quality is so bad that
16 she can't type it.

17 [Bench Conference]

18 THE COURT: Okay. Sir, due to the nature of the charge and
19 the nature of the potential penalty, your lawyer advises me that she has
20 significant mitigation work left to be done in addition to everything related
21 to what we call the liability portion of the trial, and she has to be
22 prepared for the potential for a penalty portion of the trial because she
23 doesn't know what's going to happen.

24 So, the lawyers looked at my schedule and they are -- rather
25 than set a trial early in 2016 and then have to move it, they chose

1 August 29, 2016. I would be setting status checks probably every 60 to
2 90 days on trial readiness because if we're going to put it out that far,
3 then I really want it to go. So, you've discussed these things with your
4 lawyers yes?

5 THE DEFENDANT: Yes.

6 THE COURT: And you understand they need more time to
7 get ready, yes?

8 THE DEFENDANT: Yes.

9 THE COURT: So, you understand why I'm setting it out so
10 far, basically due to the nature of the offense and the penalty that you
11 face?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. The matter is set for -- do you have any
14 question?

15 THE DEFENDANT: No.

16 THE COURT: The matter is set for trial August 29, 2016 at
17 10:30, with a calendar call August 18, 2016 at 9 a.m., with the
18 understanding that I'm going to have a status check trial readiness on
19 November 10th at 9 o'clock.

20 MS. LUEM: Thank you.

21 [Hearing concluded at 9:42 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

A handwritten signature in black ink, appearing to read "Yvette G. Sison", written over a horizontal line.

Yvette G. Sison
Court Recorder/Transcriber



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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

CASE#: C-14-299234-1
DEPT. IX

13
14 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
15 THURSDAY, JULY 21, 2016

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK**
18

19 APPEARANCES:

20 For the State:

JOHN JONES, JR., ESQ.
Deputy District Attorney

22 For the Defendant:

AMANDA GREGORY, ESQ.

23
24
25 RECORDED BY: YVETTE SISON, COURT RECORDER

1 Las Vegas, Nevada, Thursday, July 21, 2016

2
3 [Hearing began at 9:20 a.m.]

4 THE COURT: Robert Brown, Jr., C299234-1. The record
5 should reflect the presence of the Defendant. Are you aware of his
6 August 2nd motion that I haven't looked at and won't address until August
7 2nd?

8 MS. GREGORY: Yes, Your Honor, so what we were
9 suggesting, we're not going to be ready for trial on this. We have a lot of
10 witnesses that we're still locating and documents that subpoenaed, so
11 what we -- we did talk to the State; they're okay with vacating the trial
12 date, so what we were suggesting is setting it for that August 2nd date to
13 reset trial after you hear Mr. Brown's motion.

14 THE COURT: Okay, well let me save you a couple weeks. I
15 will require a meeting between Counsel and the Defendant to address,
16 outside the presence of the Court, prior to hearing the motion. I will also
17 --

18 MS. GREGORY: Your Honor, really quick, regarding that,
19 we've tried several times to meet with him, and he refuses our visits.

20 THE COURT: You gotta meet with her, otherwise -- you know
21 -- you have to have a meeting.

22 MS. GREGORY: I think we've gone over maybe five or six
23 times, our investigator, our mitigation specialist --

24 THE COURT: I require the attorneys to tell you the legal
25 ramifications of representing yourself, including the impact on post-

1 conviction writs of habeas corpus. If you represent yourself -- there's an
2 entire level of appeal related to attorney mistakes, that you won't be able
3 to -- so I require this meeting. You have to meet with them.

4 THE DEFENDANT: Yes ma'am.

5 THE COURT: I mean representing yourself isn't going
6 anywhere, right? So, could you have the meeting, otherwise, you know,
7 it's going to be more difficult for you.

8 THE DEFENDANT: Okay.

9 THE COURT: Okay, thank you very much. So, I'm going to
10 continue the status check jury questionnaire to Jury Commissioner, to
11 August 2nd.

12 There is a lengthy list of motions set for August 18th that we
13 can address on August 2nd. Part of the meeting that you are supposed
14 to have, should address -- they are the Defendant's motion for individual
15 sequestered voir dire; the Defendant's motion to bar the admission of
16 cumulative victim impact evidence in violation of due process clause,
17 motion to preclude the Court from participating in rehabilitation of
18 potential jurors; the Defendant's motion for the Court to allow
19 presentation of evidence of the disproportionality and arbitrariness and
20 unfairness of the death sentence; the Defendant's motion to prohibit
21 evidence and argument concerning mitigating circumstances not raised
22 by the Defendant; the Defendant's motion for an order permitting
23 discovery of records pertaining to family life of victim; the Defendant's
24 motion for the Court to disclose its views, that one's interesting, can't
25 wait to hear it, and it goes on. Those have all been filed by your lawyer.

1 If you're going to represent yourself, you better start jumping in to the
2 meat of those babies.

3 THE DEFENDANT: Yes.

4 THE COURT: Okay.

5 THE DEFENDANT: Yes.

6 MS. GREGORY: Okay. August 2nd?

7 THE COURT: Yes.

8 MS. GREGORY: And his trial date still stands for right now, or
9 is it going to be vacated.

10 THE COURT: I'm not doing anything with the trial date until
11 August 2nd.

12 MS. GREGORY: Okay, thank you.

13 THE COURT: But, I appreciate you letting me know that you
14 don't anticipate that it's going. I assume if you choose to represent
15 yourself, you're going to be ready by August 29th? Oh, you want to go?

16 THE DEFENDANT: I hope so, yeah.

17 THE COURT: Oh, okay. Well, if he's going to represent
18 himself, he might be going. So I can't vacate the trial date until I decide
19 what I'm doing on August 2nd.

20 MS. GREGORY: All right, Your Honor, that's fine.

21 THE COURT: Okay, but you -- but I need you to meet with
22 them before then to discuss the motions, impact on post-conviction, a
23 Faretta Canvas Canvas and what that means.

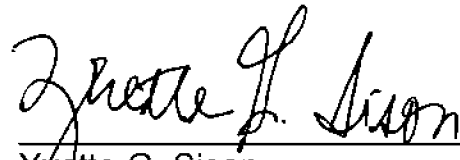
24 MS. GREGORY: Myself and Ms. Luem will meet with him.

25 THE COURT: Thank you.

[Hearing concluded at 9:24 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

A handwritten signature in black ink, appearing to read "Yvette G. Sison", is written over a horizontal line.

Yvette G. Sison
Court Recorder/Transcriber



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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-14-299234-1
DEPT. IX

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

13
14 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
15 TUESDAY, AUGUST 2, 2016

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **ALL PENDING MOTIONS**

18
19 APPEARANCES:

20 For the State:

WILLIAM ROWLES, ESQ.
Deputy District Attorney

21
22 For the Defendant:

AMANDA GREGORY, ESQ.

23
24
25 RECORDED BY: YVETTE SISON, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, August 2, 2016

2
3 [Hearing began at 8:35 a.m.]

4 THE COURT: Who's handling page 4 for the State, you or
5 someone else on State of Nevada versus Robert Brown?

6 MS. BAHARAV: I am, Your Honor.

7 MS. GREGORY: We're all here, Your Honor.

8 THE COURT: Okay, normally because of the pro per motions
9 that are pending, I would do this at the end outside the presence of the
10 District Attorney. So, I suggest, if you want to come back at 9:30, I
11 should be ready. Can you do that?

12 MS. GREGORY: Ummm, let me -- hold on one second. I
13 apologize, Your Honor.

14 MS. BAHARAV: I start trial at 10:30, so as long as we're --

15 MS. GREGORY: I have a civil --

16 THE COURT: I don't really need you for the outside the
17 presence of the District Attorney part.

18 MS. GREGORY: -- I have a civil status check on a case at
19 9:00 that I'm going to be in, and you know, sometimes those take a little
20 longer, but I will try my best to get out of there and get back here by
21 9:30.

22 THE COURT: Okay, where is that?

23 MS. GREGORY: It's in Department 28; and I can leave my
24 cell phone number with your clerks as well, so if we start getting close.

25 THE COURT: Okay. Thank you.

1 MS. BAHARAV: Your Honor, the State noticed that there's
2 some motions on calendar for the 18th, are you leaving those on
3 calendar at this point? We should have oppositions this week.

4 THE COURT: I don't know yet.

5 MS. BAHARAV: Okay, thank you.

6 THE COURT: Okay.

7 [Case trailed at 8:36 a.m.]

8 [Case recalled at 10:38 a.m.]

9 THE COURT: State versus Robert Brown, Jr., where are
10 you? The record should reflect Mr. Brown is present in custody. He's
11 filed several motions.

12 Mr. Brown, I have to go through a Faretta Canvas and I have
13 to talk to you outside the presence of the District Attorney, and
14 unfortunately because I have a trial that's supposed to start six minutes
15 ago, and a jury sitting outside, I'm going to continue this case until
16 Friday.

17 If after the Faretta Canvas, I think -- you know, some of the
18 things we need to talk about -- I read your motion and the way you wrote
19 it, I don't know if that was a stock motion that you got from somebody
20 else. Standby counsel isn't going to write motions for you and file and
21 make arguments. You represent yourself, you represent yourself.
22 Standby counsel helps you overcome the phrasing of a question, if
23 objections keep getting sustained because people like yourself are --
24 have not had a trial procedure class and have difficulty asking questions
25 in an appropriate way, and I keep sustaining the objections. They can

1 help you rephrase a question. They might be able to do some, at the
2 request of the Court, ministerial tasks, but they're not going to file and
3 argue motions for you. You know, that's just you sticking your hand in
4 some attorney's back and telling them what to do; that doesn't work that
5 way. You either represent yourself or you don't. You handle your own
6 motions or you don't, that kind of thing. So, we have to -- you have to be
7 prepared to discuss that on Friday.

8 Also, if you are going to represent yourself, do you anticipate
9 being ready for August 29th?

10 THE DEFENDANT: Yes.

11 THE COURT: Without an investigator or anything? You're just
12 going to go for it?

13 THE DEFENDANT: Yes ma'am.

14 THE COURT: Okay, well that's a very long conversation that
15 we're going to have, because when you go to trial, if you lose and the
16 District Attorney is successful and convicts you of these 15 counts,
17 including murder with use of a deadly weapon, and let's say the jury
18 imposes a sentence of death, then you have a right to an appeal,
19 assuming you represent yourself on appeal, or you could ask for an
20 attorney at that time, and the -- and I'm affirmed, if I'm affirmed, which I
21 take great pride in my record in that I -- I have a pretty good record of
22 making good decisions, not perfect, because no one's perfect but very
23 good; so if I'm affirmed, then you lose an entire layer of appellate relief.
24 You cannot claim post-conviction relief if you force the self-
25 representation. If, however, you were to go to trial and lose, and the

1 conviction were affirmed on appeal, then there's an entire body of law
2 and level of review associated with attacking your client -- your
3 attorney's deficient performances that you can't do if it's you. Your
4 deficient performance is not grounds for ineffective assistance of
5 counsel, only their deficient performance. Do you understand that?

6 THE DEFENDANT: Yes, I am aware, and I saw that as well.

7 THE COURT: Okay, so we're going to have to go through this
8 on Friday, and so your motions will be continued until Friday morning at
9 9 a.m.

10 MR. ROWLES: Your Honor, would you like a District Attorney
11 present for that?

12 THE COURT: I think, you know, I'm not sure, I think I have
13 something else. If she wants to send the file or -- we are going to have
14 to address the motions and things. If she wants to know, she should be
15 here.

16 MR. ROWLES: I'll let Ms. Baharav know, Your Honor.

17 THE COURT: Because I do think that the District Attorney
18 should be present during the Faretta Canvas, there's just a pre-Faretta
19 conversation that I'm not going to have in the presence of the District
20 Attorney.

21 MR. ROWLES: Yes, Your Honor.

22 [Colloquy - The Court and the Court Clerk]

23 THE COURT: It needs to be on at 10, 10 a.m., thank you.

24 MS. GREGORY: So is this one at 9 a.m. or 10 a.m.?

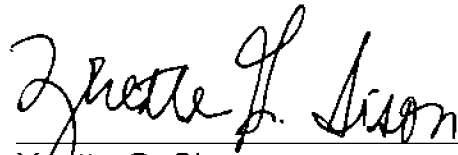
25 THE COURT: It's 10 a.m., 10 a.m., 10 a.m., sorry I have

competency at 9. Thank you.

[Hearing concluded at 10:43 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

A handwritten signature in cursive script, reading "Yvette G. Sison", written over a horizontal line.

Yvette G. Sison
Court Recorder/Transcriber



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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-14-299234-1
DEPT. IX

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

13
14 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
15 FRIDAY, AUGUST 19, 2016

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK**

18
19 APPEARANCES:

20 For the State:

DANAE ADAMS, ESQ
COLLEEN BAHARAV, ESQ.
Deputy District Attorneys

22
23 For the Defendant:

ANDREA LUEM, ESQ.

24
25 RECORDED BY: YVETTE SISON, COURT RECORDER

1 Las Vegas, Nevada, Friday, August 19, 2016

2
3 [Hearing began at 9:03 a.m.]

4 THE COURT: State versus Robert Brown, C299234-1. The
5 record should reflect Mr. Brown is present in custody; Ms. Luem for the
6 Defendant. Drs. Perlotto and Lenkeit found the Defendant met the
7 criteria to be considered competent to proceed. I reviewed the reports, I
8 would suggest I found Dr. Lenkeit's report less helpful. It kind of
9 suggested to me that he didn't go through any of the other information
10 other than a meeting with the Defendant, but I don't know that to be true.
11 You gave him the information right?

12 MS. LUEM: Well Judge, what happened was I emailed
13 Christina Green. She sent the names of the doctors. I contacted both
14 doctors, and Dr. Perlot --

15 THE COURT: Perlotto.

16 MS. LUEM: -- she reached out to me and I emailed her all of
17 those records. I got an email back from his assistant, and I gave her my
18 cell phone and asked that he call me so we can coordinate a time to
19 discuss the case, and he never did.

20 So, I was -- I guess I was not -- I suppose I should've just sent
21 the records to the assistant, but I -- I was expecting him to call me and
22 so -- I -- I don't know exactly what happened but he -- he never read
23 them.

24 THE COURT: Yeah, I mean that wasn't the deal. So, I'm
25 going to send it -- he has to get -- he has to read everything and, you

1 know, and -- it's not -- sometimes things aren't as simple as they first
2 appear.

3 Okay, so could you give him the records, send them to the,
4 you know -- if Christina is going to communicate, then I need an update
5 to his report that involves a conversation with you and a review of
6 records.

7 MS. LUEM: Okay. I can email them today.

8 THE COURT: And possibly a review of Perlotto's evaluation.

9 MS. LUEM: And maybe I can just --

10 THE COURT: Her lengthy, detailed, very specific, with a lot of
11 information evaluation.

12 MS. LUEM: -- I can just send the records.

13 THE COURT: Okay, Mr. Brown, we're almost done with this
14 part of it. Okay, we're going to pass it two weeks to see if he has the
15 ability to get it updated at that time, and then presuming they're
16 competent, we'll go forward.

17 MS. LUEM: Judge, there's a status check on Tuesday. Do
18 we want to trail that --

19 THE COURT: I'm going to move the status check just to
20 competency -- I'm going to vacate the status check for Tuesday and just
21 leave the competency date that I'm going to give right now, which is two
22 weeks.

23 THE COURT CLERK: September 2nd at 9 a.m.

24 THE COURT: Can you vacate Department 9's Tuesday status
25 check?

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THE COURT CLERK: Yes.

THE COURT: Okay, Mr. Brown, thank you.

MS. LUEM: Judge, there's also still a trial date, August 29, I
assume we're going to vacate that or --

THE COURT: Yes, that's going to be vacated because of this.


MS. BAHARAV: Thank you.

MS. LUEM: Thank you.

[Hearing concluded at 10:43 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the
audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder/Transcriber



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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-14-299234-1
DEPT. IX

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

13
14 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
15 THURSDAY, FEBRUARY 23, 2017

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **MOTION**

18
19 APPEARANCES:

20 For the State:

RICHARD SCOW, ESQ.
Deputy District Attorney

21
22 For the Defendant:

JENNIFER WALDO, ESQ.
Appearing as Standby Counsel

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25 RECORDED BY: YVETTE SISON, COURT RECORDER

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Las Vegas, Nevada, Thursday, February 23, 2017

[Hearing began at 9:25 a.m.]

THE COURT: Mr. Brown, if you have a lot of oral argument on your case, I'm going to trail it. If you're going to submit it on the briefs, I'm going to call it, or if you have nominal argument, I'm going to call it. Where's Robert Brown?

THE DEFENDANT: Yeah, the argument will be extensive, Judge --

THE COURT: Oh, extensive?

THE DEFENDANT: Yeah.

THE COURT: Okay, have a seat. You can come back in about, I would say -- if you could come back at 9:50.

THE CORRECTIONS OFFICER: At 9:50?

THE COURT: Sorry.

THE CORRECTIONS OFFICER: That's okay. Thanks, Judge.

THE COURT: Thank you.

[Case trailed at 9:25 a.m.]

[Case recalled at 9:34 a.m.]

THE COURT: State versus Robert Brown, C299234-1.

MS. WALDO: Good Morning, Your Honor, Jennifer Waldo standing in for Amanda Gregory as Standby Counsel for Mr. Brown. Your Honor, we asked to have this matter recalled because in speaking with Mr. Brown, he did receive a copy of the State's opposition, but he would like time to file a written reply. I spoke with Mr. Scow regarding that matter, and it's my understanding that he's not going to oppose that.

1 Additionally --

2 THE COURT: How do you need Mr. Brown to file a reply?

3 THE DEFENDANT: A couple weeks.

4 THE COURT: I can't hear you.

5 THE DEFENDANT: A couple weeks -- couple weeks should
6 be fine.

7 THE COURT: Okay, you have until March 9th at 4 p.m. to mail
8 your reply to -- I mean, we're cutting it a little close here for the trial, so
9 March 9th is your calendar call, so --

10 MS. WALDO: Well, Your Honor, I can speak to that. I believe
11 we do need to address Mr. Brown's trial date. It's my understanding that
12 during the time that Mr. Brown has been in custody, a large portion of his
13 file has gone missing. He was, I believe in the hospital for a brief period
14 of time, and when he came back, most of the file was missing;
15 information that he had been working on and so forth. So, I believe he
16 intends to address the trial date with Your Honor this morning.

17 THE COURT: You need to put it in writing. So, I'm on notice
18 that you're going to move to continue the trial I guess. You'll need to put
19 that in writing.

20 MS. WALDO: Understood.

21 THE COURT: So, I'm sure you could do that by March 9th,
22 right? It's pretty simple; I need a continuance because of whatever.
23 Okay, so March 9th at 4 o'clock. State you're on notice he's going to
24 make this request, and if you're going to oppose it, you'll have to oppose
25 it in writing.

1 MR. SCOW: Yes, Your Honor.

2 THE COURT: And I'll have to continue it for that to happen.
3 So -- actually what I'm going to do is I'm going to give you until March 8th
4 at 4 o'clock to mail it in; that's plenty of time to file a reply, so that I could
5 have it by the 9th at your calendar call; that gives you 13 days to file a
6 reply that the rules allow 10 days for, and I'm giving you a couple extra
7 days because you have to send it over.

8 THE DEFENDANT: At that time do I need to address the fact
9 that I need to have the discovery re -- re-issued to me, the entire
10 discovery? So much of it is missing.

11 THE COURT: Whatever you file your motion, asking for
12 whatever you want to ask for, for the trial date and anything else you
13 want to ask for, then I will address it. So, I would suggest you file that
14 contemporaneously or as quickly as possible, if you could file it earlier
15 than your reply. Anything else?

16 THE DEFENDANT: No that's it.

17 THE COURT: All right; then the matters -- the pro per motion
18 is set for March 9th at 9 a.m., and any other motion that he files will be --
19 even if it's given a different date by the Clerk's Office because he mails it
20 in, State you should be looking on Odyssey and trying to pull it so that
21 you can respond.

22 MR. SCOW: Yes, Your Honor.

23 THE COURT: Okay, thanks.


24 MR. SCOW: Thank you.

25 MS. WALDO: Thank you, Your Honor.

[Hearing concluded at 9:37 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder/Transcriber



1 RTRAN
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-14-299234-1
DEPT. IX

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

13
14 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
15 THURSDAY, JUNE 15, 2017

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK**

18
19 APPEARANCES:

20 For the State:

ALICIA ALBRITTON, ESQ.
Deputy District Attorney

21
22 For the Defendant:

IVETTE MANINGO, ESQ.
PATRICIA PALM, ESQ.

23
24
25 RECORDED BY: YVETTE SISON, COURT RECORDER

1 Las Vegas, Nevada, Thursday, June 15, 2017

2 [Hearing began at 9:57 a.m.]

3 THE COURT: Robert Brown, C299234-1. This is a status
4 check appointment of counsel. Counsel can you state your
5 appearances for the record; and you were sent by the Office of Indigent
6 Counsel, yes?

7 MS. MANINGO: Ivette Maningo and Patricia Palm on behalf
8 of Mr. Brown.

9 THE COURT: Okay, Mr. Brown, this is who -- these are the
10 attorneys that Mr. Christensen sent over. I just want to confirm that you
11 want me to appoint them.

12 THE DEFENDANT: Yes.

13 THE COURT: All right. They're appointed to represent you.
14 We have -- here's our dates right now: January 8, 2018 for jury trial,
15 status check trial readiness -- I'm sorry, calendar call December 21,
16 status check trial readiness, September.

17 I don't know if you're in a position to address that now, but I
18 would prefer if we could address it at another time.

19 MS. MANINGO: That's fine --

20 THE COURT: Don't you need time to --

21 MS. MANINGO: -- yes, and for the record -- I mean I
22 mentioned this last week when we were here, that was one of the things,
23 obviously. This is a death case; we cannot be ready in January. Mr.
24 Brown understands that.

25 THE COURT: Can we just address it in September?

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MS. MANINGO: I'm sorry.

THE COURT: Can we just address it in September at your status check, about moving that trial. I mean, you're putting the DA on notice; hey, we're going to ask for more time than January. I understand you're asking for more time than January, but I don't want to set a date right now because I've got a jury in the hallway and --

MS. MANINGO: That's fine.

THE COURT: -- you have -- we have time --

Ms. MANINGO: And for the record, Mr. Scow said last time he wasn't opposed to a continuance; and then we can address it at that time.

THE COURT: Okay?

THE DEFENDANT: Yes ma'am.

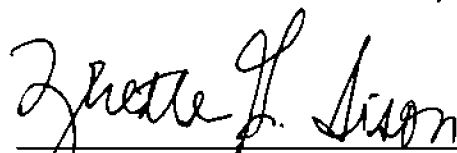
THE COURT: Thanks.

MS. MANINGO: Thank you.

[Hearing concluded at 9:59 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-14-299234-1
DEPT. IX

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

13
14 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
15 TUESDAY, OCTOBER 25, 2016

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK: APPOINTMENT OF INVESTIGATOR -**
18 **(D.CHRISTENSEN)**

19 APPEARANCES:

20 For the State: RICHARD SCOW, ESQ.
21 Deputy District Attorney

22 For the Defendant: AMANDA GREGORY, ESQ.
23 Standby-Standby Counsel

24 Also Present: ALBERTO FUENTES
25 Investigator

RECORDED BY: YVETTE SISON, COURT RECORDER

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Las Vegas, Nevada, Tuesday, October 25, 2016

[Hearing began at 9:32 a.m.]

THE COURT: Page 5 for Ms. Gregory. This is one of those -- where is -- I have to trail it and have to do it at the end, and I don't know why it's on at 9 and not 10:30. Do I have an investigator here on this case?

THE INVESTIGATOR: Yes.

THE COURT: Yes, I just need a couple minutes to get through some of the other cases. I appreciate your patience.

THE INVESTIGATOR: Thank you.

THE COURT: Thank you.

[Case trailed at 9:32 a.m.]

[Case recalled at 11:08 a.m.]

THE COURT: I need Mr. Brown, Cowart and Stewart to stay. Okay, starting with Brown. Is there a way that we could put Cowart and Stewart in the back just for a couple minutes while I talk to Mr. Brown and his investigator privately? I mean, you're coming back, I just -- I can only do one at a time.

Okay, so I need everybody that's not present for the Brown matter to step out for a minute while I have a hearing outside the presence of the District Attorney, related to investigation to be undertaken for the Defense of Mr. Brown, on page 5.

State versus Robert Brown, C299234-1. We're going to have a sealed hearing outside the presence of everybody. Is that -- that's not recording right?

1 MEDIA: No, it's not. I shut it off. I can take it out with me if
2 you'd like.

3 THE COURT: I would prefer that, thank you.

4 MEDIA: Absolutely.

5 MS. GREGORY: And Your Honor, that's my paralegal in the
6 hall that works in my office.

7 THE COURT: Do you have any objection to her paralegal
8 being here?

9 THE DEFENDANT: No.

10 THE COURT: I'm sorry.

11 THE DEFENDANT: No.

12 THE COURT: Okay.

13 **[The portions of this hearing from 11:09:51 a.m. to 11:24:06 is**
14 **sealed per order of the Court, and was held outside the presence of**
15 **the District Attorney]**

16 THE COURT: So, the record should reflect that we are no
17 longer conducting a sealed hearing, that the conversation between --
18 and for the record, Ms. Gregory is not standby counsel.

19 MR. SCOW: Okay.

20 THE COURT: She is standby-standby counsel, in case the
21 Defendant changes his mind. And so the record should reflect that Mr. -
22 - because this part isn't private or related to the Defendant's defense,
23 and you're entitled to know this, that the Defendant objects to Ms.
24 Gregory being the standby counsel, and he wants the Court to appoint
25 somebody else, not one of the -- how many lawyers -- which lawyer are

1 you?

2 MS. GREGORY: I believe we were seven and eight.

3 THE COURT: Yeah, he doesn't want one, two, three, four,
4 five, six, seven, or eight to be standby counsel, he wants a completely
5 different ninth attorney, and I said its Ms. Gregory or her partner, or no
6 one at all. And so, I'm -- I think the record is sufficiently clear that the
7 Court has done everything it can to find a lawyer that he can agree with
8 for five minutes, five months, a trial, and that's just not going to happen
9 no matter how many I choose. So, she will be there if he changes his
10 mind during the trial or at any time before, and that's -- so I'm making a
11 record he wanted somebody else, and the record shall so reflect the
12 Court declined to appoint a ninth attorney as standby counsel.

13 MR. SCOW: Yes, Your Honor.

14 THE COURT: Okay, now, the Defendant, and the Court, and
15 you are now going to discuss a trial date. I had advised the Defendant --
16 the Defendant has investigative work to do that doesn't involve you and
17 is of no -- you know not going to be discussed with you, but what is
18 appropriate to discuss with you is his intention to file written motions,
19 whatever those will be and having, in my view, a reasonable time for him
20 to do the investigation in this case and any reasonable motions would be
21 anywhere from -- and I told the Defendant; look, if you can't, for
22 whatever reason, your written motion work can't be done by the trial date
23 that I give you, then you can file a written motion telling me reasons why
24 you need more time, but honestly if I set this trial in June or August of
25 2017, that's plenty of time to file motions.

1 MR. SCOW: I agree, Your Honor.

2 THE COURT: So, what is your preference?

3 THE DEFENDANT: As far as the date?

4 THE COURT: June or August.

5 THE DEFENDANT: I'm not going to set a date. I set a date
6 three years ago for a speedy trial, which this Court just trampled upon.
7 So as far as date --

8 THE COURT: So, I can set it in January if you like --

9 THE DEFENDANT: -- I'm not going to sign -- I'm not going to
10 just --

11 THE COURT: Do you want it in January?

12 THE DEFENDANT: -- like I said -- the Court is obviously doing
13 what it wants to do --

14 THE COURT: Can you be ready in January?

15 THE DEFENDANT: -- can I be ready? That's possible, that's
16 all I can say to that. For the record --

17 MS. GREGORY: Your Honor --

18 THE DEFENDANT: -- for the record again, my objection to
19 Ms. Gregory being standby counsel was due to the fact that you granted
20 my pro se motion, in which that motion stated I wanted new counsel as
21 standby counsel. You said you granted it.

22 THE COURT: Can you be ready in January?

23 THE DEFENDANT: Possibly.

24 THE COURT: February 6th?

25 THE DEFENDANT: Possibly.

1 THE COURT: Could you be ready February 6th?

2 MR. SCOW: Yes, Judge.

3 THE COURT: Could you have the investigation done
4 February 6th?

5 MR. FUENTES - INVESTIGATOR: Your Honor, that'd be
6 pushing it. I wouldn't want to be -- I mean, as far as I'm concerned, I
7 wouldn't want to -- I don't know what's going to come up as far as when I
8 do my investigation --

9 THE COURT: What about March 27th? Could you be ready
10 March 27th?

11 MR. FUENTES - INVESTIGATOR: Sure, that's fine.

12 THE COURT: Okay.

13 MS. GREGORY: And, Your Honor, I apologize, as standby --

14 THE COURT: Standby-standby counsel.

15 MS. GREGORY: -- standby, I assume I need to be at the trial.
16 March 27th is not good for my office.

17 THE COURT: What is good for your office? March 20th?

18 MS. GREGORY: Probably in -- March 20th would be much
19 better.

20 THE COURT: The matter is set for trial March 20th at 10:30,
21 with a calendar call March 9th at 9 a.m. Anything else you wish to say?

22 THE DEFENDANT: No ma'am.

23 THE COURT: Okay. Thank you.

24 MR. SCOW: Thank you, Your Honor.

25 THE COURT: By the way, we've set up a process for the

1 investigator to advise court staff of special requests that may not be part
2 of today's hearing that come up for investigation. The District Attorney
3 should not be privy to any of those emails and/or communications and
4 what the Court's plan would be is to left-side file them under seal so that
5 you don't have anything to do with it. But, I do have a process in place.
6 I can't make them come here every time you want to issue a subpoena,
7 so we have kind of set a parameter for what they would have to come
8 here for and what they wouldn't, that doesn't really involve the State, but
9 that's -- I need to make a record that we have a process in place.

10 MR. SCOW: That's fine, Your Honor. And if I could put one
11 thing on the record as far as like the notice of witnesses and current
12 contact information, if we can provide those addresses --

13 THE COURT: Yes.

14 MR. SCOW: directly to the investigator?

15 THE COURT: Yes. If you would provide whatever address
16 you have to the investigator that he requests, any updates --

17 MR. SCOW: And he's made a request --

18 THE COURT: -- or anything like that, that needs to be done
19 too -- you know, it's my understanding that Mr. Brown isn't particularly
20 interested in addresses, he's interested in investigation results, correct?

21 THE DEFENDANT: Yes.

22 MR. SCOW: And then, they've asked for all jail calls. We
23 have provided some, but we'll go back and --

24 THE COURT: See when -- when -- I -- okay.

25 MR. SCOW: And we'll do that as well.

1 THE COURT: Okay.

2 MR. FUENTES - INVESTIGATOR: Your Honor, can I just
3 have one second to ask Mr. Brown a question before we finish up --

4 THE COURT: Sure.

5 MR. FUENTES - INVESTIGATOR: -- so that -- there may be
6 another issue that I wanted to talk to him about.

7 MS. GREGORY: Your Honor, if -- while he's doing that, if I can
8 approach on something unrelated to the case, but related to my
9 appointment?

10 THE COURT: It's what?

11 MS. GREGORY: Can I approach? It's unrelated to this case
12 but related to my appointment.

13 THE COURT: Unrelated to this case?

14 MS. GREGORY: It's not related to anything that --

15 THE COURT: Your schedule or something else?

16 MS. GREGORY: It affects Mr. Christensen's Office and how
17 this works.

18 THE COURT: Oh, okay.

19 MS. GREGORY: Thank you.

20 [Bench Conference]

21 MR. FUENTES - INVESTIGATOR: Okay, Your Honor, there's
22 no need to do anything else this morning.

23 THE COURT: Okay. So, that's the trial date. I don't know
24 what your schedule is, but many times things come in trial at the last
25 minute that might need to be investigated or something like that, so I

1 think you're going to have to be in the courtroom.

2 MR. FUENTES - INVESTIGATOR: That's fine.

3 THE COURT: Okay, great.

4 MR. FUENTES - INVESTIGATOR: That's fine, Your Honor.
5 That's why I'm here.

6 THE COURT: Thanks. Thank you.

7 MR. FUENTES - INVESTIGATOR: What I do need though is
8 the email that I am to --

9 THE COURT: Yes, my Marshal will give it to you on the way
10 out. He needs Diane's email.

11 THE MARSHAL: Okay.

12 THE COURT: Thank you.

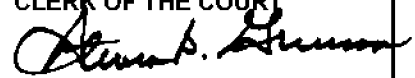
13 [Hearing concluded at 11:33 a.m.]

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18 ATTEST: I do hereby certify that I have truly and correctly transcribed the
audio/video proceedings in the above-entitled case to the best of my ability.

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21 Yvette G. Sison
22 Court Recorder/Transcriber
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1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 KAREN MISHLER
6 Chief Deputy District Attorney
7 Nevada Bar #013730
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10
11 Plaintiff,

11 -vs-

12 ROBERT BROWN, JR.,
13 aka, Ariyl #6006120

14 Defendant.

CASE NO: C-14-299234-1

DEPT NO: VI

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR COURT TO TAKE**
16 **JUDICIAL NOTICE OF ACCUSED TO RAISE CLAIMS OF CORPORATION**
17 **SOLE ("ARIYL") BY MOTION OR PLEA**

18 DATE OF HEARING: APRIL 26, 2022
19 TIME OF HEARING: 9:30 AM

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
21 District Attorney, through KAREN MISHLER, Chief Deputy District Attorney, and hereby
22 submits the attached Points and Authorities in Opposition to Defendant's Motion For Court
23 To Take Judicial Notice Of Accused To Raise Claims Of Corporation Sole ("Ariyl") By
24 Motion Or Plea.

25 This Opposition is made and based upon all the papers and pleadings on file herein, the
26 attached points and authorities in support hereof, and oral argument at the time of hearing, if
27 deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On July 17, 2014, the State filed an Information charging Defendant Robert Brown
4 with the following: Count 1 – Invasion of the Home While in Possession of a Deadly Weapon
5 (Category B Felony – NRS 205.067); Count 2 – Burglary While in Possession of a Firearm
6 (Category B Felony – NRS 205.060); Count 3 – Murder With Use of a Deadly Weapon
7 (Category A Felony – NRS 193.165, 200.010, 200.030); Counts 4 & 5 – Attempt Murder With
8 Use of a Deadly Weapon (Category B Felony – NRS 193.165, 193.330, 200.010, 200.030);
9 Count 6 – Possession of Firearm by Ex-Felon (Category B Felony – NRS 202.360); Counts 7-
10 14 – Discharge of Firearm From or Within a Structure (Category B Felony – NRS 202.287);
11 Count 15 – Child Abuse, Neglect, or Endangerment With Use of a Deadly Weapon (Category
12 B Felony – NRS 193.165, 200.508(1)). Defendant was arraigned on July 21, 2014, at which
13 time he entered a plea of not guilty and waived his right to a speedy trial. On August 8, 2014,
14 the State filed a Notice of Intent to Seek the Death Penalty. Trial dates have been set and
15 vacated numerous times in this case, and trial is currently pending.

16 On April 2, 2022, Defendant filed the instant Motion for Court to Take Judicial Notice
17 of Accused to Raise Claims of Corporation Sole ("Ariyl") By Motion or Plea. The State
18 opposes as follows.

19 **ARGUMENT**

20 Defendant appears to be requesting that this Court take judicial notice that Defendant
21 is a corporation. Specifically, he contends he has “expatriated and entered the Church as a
22 foreign corporation sole” Motion, at 3. Defendant seems under the impression that this Court
23 must recognize him as a corporation in the name of “Ariyl”.

24 Defendant has provided no factual support for his contention that he is a corporation,
25 and thus he is not entitled to judicial notice. A judicially noticed fact must be generally known
26 within this Court’s jurisdiction or “[c]apable of accurate and ready determination by resort to
27 sources whose accuracy cannot reasonably be questioned, so that the fact is not subject to
28

1 reasonable dispute.” NRS 47.130(2). The State disputes the contention that Defendant is a
2 corporation, and also maintains that such a contention is not a defense to criminal liability.

3 The State agrees with Defendant’s statement that a number of witnesses in this case
4 know him as “Ariyl” and are expected to identify him as such. However, this is merely a
5 nickname, not a corporate identity. For this reason, on March 15, 2022, the State filed an
6 Amended Information containing the aka of “Ariyl”.

7 The State notes that Defendant’s complaints about his racial and/or ethnic classification
8 in custody has nothing to do with his prosecution in this case. While the Clark County
9 Detention Center may have given Defendant a racial classification with which he disagrees,
10 this designation is used by CCDC, not the Clark County District Attorney’s Office, and is in
11 no way a basis for prosecution in this case.

12 Defendant is incorrect in his belief that by declaring himself a corporation he can escape
13 criminal liability in this matter. Defendant, as a person, is subject to the jurisdiction of this
14 court. “Every person, whether an inhabitant of this state, or any other state, or of a territory or
15 district of the United States, is liable to punishment by the laws of this state for a public offense
16 committed therein, except where it is by law cognizable exclusively in the courts of the United
17 States.” NRS 171.010. Defendant even refers to himself as a legal person in the instant Motion.
18 To the extent that Defendant complains about the fact that he is referred to as “Robert Brown”
19 in this case, this is his true legal name and inclusion of it on the charging document in this case
20 is appropriate. Ironically, Defendant used the name “Robert Brown” in the instant Motion.

21 Defendant has failed to present this Court with any support for his contention that he is
22 a corporation, and thus is not entitled to judicial notice regarding this claim. The State in no
23 way intends to interfere with Defendant’s right to raise a particular defense at trial, but merely
24 takes the position that his chosen defense does not warrant judicial notice.

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1 CONCLUSION

2 For the foregoing reasons, the State respectfully requests that Defendant's Motion for
3 Court to Take Judicial Notice of Accused to Raise Claims of Corporation Sole ("Ariyl") By
4 Motion or Plea be denied.

5 DATED this 22nd day of April, 2022.

6 Respectfully submitted,

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY /s/ Karen Mishler
11 KAREN MISHLER
12 Chief Deputy District Attorney
13 Nevada Bar #013730

14 CERTIFICATE OF ELECTRONIC TRANSMISSION

15 I hereby certify that service of the above and foregoing was made this 22nd day of April,
16 2022, by electronic transmission to:

17 CLARK PATRICK, ESQ.
18 CWPATRICKLAW@GMAIL.COM

19 ROBERT BROWN AKA ARIYL #6006120
20 330 S. CASINO CENTER BLVD.
21 LAS VEGAS, NV 89101

22 BY /s/ Corelle Bellamy
23 Corelle Bellamy
24 Secretary for the District Attorney's Office

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27 KM/km/Appeals
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1 RTRAN
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 STATE OF NEVADA

CASE NO. C-14-299234-1

9 Plaintiff,

DEPT. VI

10 vs.

11 ROBERT BROWN, JR.,

12 Defendant.
13

14 BEFORE THE HONORABLE JAMES BIXLER, SENIOR DISTRICT COURT JUDGE
15 TUESDAY, MARCH 29, 2022

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS: NOTICE OF MOTION AND
17 MOTION TO AMEND INFORMATION**

18 APPEARANCES:

19 For the State:

JAY P. RAMAN, ESQ.
Chief Deputy District Attorney

20
21 For the Defendant:

In Propria Persona - Not Present
CLARK W. PATRICK, ESQ.
Appointed Standby Counsel
22
23
24

25 RECORDED BY: DELORIS SCOTT, COURT RECORDER

1 Tuesday, March 29, 2022, Las Vegas, Nevada

2
3 [Proceedings began at 11:17 a.m.]

4 CORRECTION OFFICER: He refused, Your Honor.

5 THE COURT: The defendant is present where? Where is he?

6 MR. RAMAN: He's a refusal.

7 CORRECTION OFFICER: Refusal.

8 UNKNOWN MALE: He's refused court, Judge.

9 THE COURT: This is his pro per motion.

10 MR. RAMAN: No, it's my motion Your Honor.

11 THE COURT: No it's -- he's just pro per, it's the State's motion to
12 amend. Got a trial date -- calendar call April 5th trial date April 18th.

13 And this guy doesn't have counsel?

14 MR. RAMAN: He has stand-by Mr. Clark.

15 MR. CLARK: Mr. Clark, sorry [indiscernible].

16 THE COURT: Have you talked to him?

17 MR. CLARK: Excuse me Your Honor?

18 THE COURT: Have you had any conversations with him?

19 MR. CLARK: I've had a few.

20 THE COURT: Is this guy, in your opinion, is he gonna be able to
21 represent himself?

22 MR. RAMAN: Your Honor, he's been through two *Faretta* canvas,
23 including a very lengthy one by Judge Leavitt. I believe so.

24 THE COURT: Really?

25 MR. CLARK: And I have no representations to make other than that,

1 Judge. He knows *Faretta* and --

2 THE COURT: Well --

3 MR. CLARK: -- he says he's more comfortable representing himself,
4 you know, it's a murder trial I don't know.

5 THE COURT: I wished that he was here, because I think it's important
6 drill that somebody in this spot to understand that I have never seen a pro per
7 defendant prevail on anything. This is a murder charge. What in the world.

8 Well the State's motion to amend is granted. And I guess leave the
9 dates the way they are.

10 MR. RAMAN: Okay.

11 THE COURT: We've got just for the record we have status check on
12 trial readiness April 1st along with the -- said calendar call is April 5th and the trial
13 date is April 18th.

14 I'll just say Judge Bluth has been in trial more than anybody I know --
15 of ever. She is constantly in trial. She's in her third week in the murder trial she's
16 in right now.

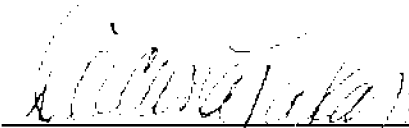
17 Well there you go. Thank you.

18 MR. CLARK: Thank you, Your Honor.

19 [Proceedings concluded at 11:20 a.m.]

20 * * * * *

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 
24 _____

25 De'Awna Takas
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA

CASE NO. C-14-299234-1

9 Plaintiff,

DEPT. VI

10 vs.

11 ROBERT BROWN, JR.,

12 Defendant.

13 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE
14 FRIDAY, APRIL 1, 2022

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
16 **TRIAL READINESS AND TRIAL SCHEDULING**

17 **APPEARANCES:**

18 For the State:

JAY P. RAMAN, ESQ.
Chief Deputy District Attorney

19
20
21 For the Defendant:

In Propria Persona - Not Present
CLARK W. PATRICK, ESQ.
Appointed Standby Counsel

22
23
24
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Friday, April 1, 2022, Las Vegas, Nevada

2
3 [Proceedings began at 10:04 a.m.]

4 THE COURT: All right, let's go to page 8, State of Nevada versus
5 Robert Brown, Jr., C299234-1. Mr. Brown --

6 MR. RAMAN: Your Honor, Jay P. Raman for the State.

7 THE COURT: Jay P. Raman for the State. Mr. Brown is not present;
8 he is in custody in the Clark County Detention Center, he is a refusal this morning.
9 He has jury trial of 4/18. He represents himself in pro per status. Mr. Raman
10 present via -- on behalf of the State via Bluejeans.

11 [Colloquy between The Court and The Court Staff]

12 THE COURT: And Mr. Clark Patrick is on Bluejeans via -- as stand-by
13 counsel.

14 All right guys where are we at in regards to Mr. Brown?

15 MR. RAMAN: Your Honor, Mr. Brown he was absent earlier this week
16 we had a State's motion to amend information. The problem we have is because
17 he's representing himself, the decision to not appear at his court appearances is
18 problematic. So we have two in a row where he's refused. We have a calendar
19 call next week. I [indiscernible] this point he be brought to court my any means
20 necessary.

21 I did receive a call from Mr. Brown's mother yesterday claiming that
22 Mr. Brown is refusing because he has some pain in his neck. So that's all I know
23 about that. But as far as the State is concerned we've been waiting to try this man
24 for over 8 years, and we are going to be ready to go on the trial in question.

25 And Mr. Brown was canvas extensively by Judge Leavitt probably

1 more than 20 minutes, and he said he would be ready to go on this trial setting
2 because this vacillated between him having counsel, him firing counsel, him
3 representing himself, him getting counsel again, then him deciding to representing
4 himself, now with stand-by, it's just gone for nearly a decade for no reason.

5 THE COURT: Okay. Mr. Patrick have you had the opportunity to
6 speak with Mr. Brown?

7 MR. CLARK: I've talked to him a couple times, Your Honor. He's
8 difficult to chat with.

9 THE COURT: All right, so we will bring him on April 5th by any means
10 necessary. We'll have to send an order over to the jail, but he'll be brought over
11 my any means necessary. And then we'll iron this out.

12 MR. RAMAN: Does Your Honor need the State to prepare that order
13 or is chambers going to prepare it?

14 [Colloquy between The Court and The Judicial Executive Assistant]

15 THE COURT: We'll do it.

16 MR. RAMAN: Okay. I greatly appreciate it.

17 MR. CLARK: And Judge did you say the 6th?

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THE COURT: No it's on for the 5th.

MR. CLARK: 5th correct, thank you.

THE COURT: All right.

[Proceedings concluded at 10:07 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


De'Awna Takas
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA

CASE NO. C-14-299234-1

9 Plaintiff,

DEPT. VI

10 vs.

11 ROBERT BROWN, JR.,

12 Defendant.

13 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE
14 TUESDAY, APRIL 5, 2022

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
16 **CALENDAR CALL**

17 **APPEARANCES:**

18 For the State:

JAY P. RAMAN, ESQ.
Chief Deputy District Attorney

19
20
21 For the Defendant:

In Propria Persona
CLARK W. PATRICK, ESQ.
Appointed Standby Counsel

22
23
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25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Tuesday, April 5, 2022, Las Vegas, Nevada

2
3 [Proceedings began at 11:13 a.m.]

4 THE COURT: -- Robert Brown Jr., C299234-1. Mr. Brown is present
5 in custody via BlueJeans, he represents himself. Mr. Clark Patrick is present on
6 his behalf as purely stand-by counsel. Mr. Raman is present on behalf of the
7 State.

8 All right, good morning everybody this is time and date for calendar
9 call for our trial starting on April 18th. Mr. Brown are you ready to go to trial, sir?

10 THE DEFENDANT: I think I could answer that questions if you could
11 provide with some questions first. I don't think I can reasonable answer that
12 question right now.

13 THE COURT: Go for it.

14 THE DEFENDANT: First, let's see, one issue I have, I'd like to know if
15 the State can force me to go to trial knowing they have not delivered to me my
16 discovery in the first place?

17 THE COURT: Mr. Raman -- well so the State doesn't control whether
18 or not we go to trial, sir, that's ultimately my decision.

19 Mr. Raman what would you like to place on the record in regards to
20 discovery that has been given over to Mr. Brown considering it's a 2014 case?

21 MR. RAMAN: So discovery has been provided numerous times to
22 numerous counsel throughout the history of him having counsel, not having
23 counsel. He's not making any specific requests or curiosities about any given
24 piece. So his blanket, I don't have discovery I don't think hold much value given
25 the timeline of this case and the lack of specificity.

1 THE COURT: And what is it you believe you're missing Mr. Brown?

2 THE DEFENDANT: I'm missing virtually everything. There's 4 boxes
3 that were sent by the last attorneys to this jail. I informed this court twice that the
4 jail refused to give me all 4 of those boxes. So I don't know how 4 boxes can be
5 deemed by the State as me not having my discovery. That's my entire discovery. I
6 don't have 4 boxes of discovery here with me.

7 THE COURT: Okay. What do you have access to?

8 THE DEFENDANT: As far as my discovery?

9 THE COURT: Yes. So the 4 boxes are you saying -- the jail has never
10 given you the 4 boxes?

11 THE DEFENDANT: The jail refuses to give me my discovery because
12 they are saying 4 boxes of all of my discovery, which amounts to 4 banker boxes,
13 is not permissible to be given to me, 'cause it's a fire hazard.

14 THE COURT: Okay, I will make sure you have access to those 4
15 boxes by the end of today.

16 THE DEFENDANT: All right.

17 THE COURT: What's your next question?

18 THE DEFENDANT: Next question is I have a concern about what
19 happened recently with me having to -- miss a court date. I notified the court that I
20 have a pinched nerve, pain going down my left arm. So it would've been brutal for
21 me to be shackled in a fixed position. However you, Judge, ordered on the last
22 court date for me to be brought to court forcible to make that court date. I don't
23 understand how you could've done that when I've given notice to the court what
24 was going on with me.

25 THE COURT: Right, sir, your case is one of the oldest cases on my

1 docket. It is a death penalty case from 2014. This is utterly ridiculous. I'm sorry
2 that you're having neck pain, but we're moving forward.

3 THE DEFENDANT: But why didn't you -- why did you forcible move it
4 forward all this time? It's been my position to -- have even a speedy trial at the
5 beginning of my case.

6 THE COURT: Okay. Well then let's go, let's do it. I've only been the
7 Judge in this department for 4 months, so know -- you and I are on the same
8 page. So we're good.

9 THE DEFENDANT: Well if you can forcible bring me in to a basic
10 hearing then why haven't the State been doing this -- they've been given 8 years.
11 Why haven't you been doing the greater? You've been doing the lessor. You
12 haven't been doing the greater. Force me in to trial I've been asking to go to trial
13 for 8 years.

14 THE COURT: Okay.

15 THE DEFENDANT: I'm not stalling. I'm not stalling trial.

16 THE COURT: Okay great, sir, that's great. So now we have trial set in
17 a few weeks so let's keep it moving. We're on the same page. What's your next
18 question?

19 THE DEFENDANT: My next question is, can you clarify for the record
20 that stand-by counsel is ready for trial, and what defenses -- I don't even have a
21 clue as to what defense stand-by counsel is even preparing for in the event that I
22 give up my right to precede pro se in the middle of trial. So that hasn't been
23 clarified.

24 THE COURT: So that's not how that works, sir. You chose to
25 represent yourself. Mr. Patrick --

1 THE DEFENDANT: So he doesn't have --

2 THE COURT: Mr. Patrick is not here and is --he is here, but he's not
3 here diligently preparing your defense. When you chose to represent yourself,
4 that's something that you do, those are the pros and cons of bring a pro se litigant.

5 THE DEFENDANT: All right.

6 THE COURT: So he's not doing anything. He's there to sit by you. If
7 you need legal complex issues come up he will be there to aid you.

8 THE DEFENDANT: And he's there to prepare for my defense in the
9 event that I give up my right to precede pro se; is he not?

10 THE COURT: Incorrect, he is not.

11 THE DEFENDANT: Okay. Thank you.

12 THE COURT: Anything else?

13 THE DEFENDANT: That's it for now.

14 THE COURT: Mr. Raman, are you ready to go to trial?

15 MR. RAMAN: We are Your Honor.

16 THE COURT: Mr. Patrick, are you ready to go to trial as stand-by
17 counsel?

18 MR. PATRICK: Of course Your Honor.

19 THE COURT: Okay. Mr. Raman, how many witnesses and how many
20 days?

21 MR. RAMAN: 14 to 18 case in-chief; 4 to 6 penalty. I believe -- it really
22 depends on the jury selection this could take 2-3 weeks.

23 THE COURT: The jury selection?

24 MR. RAMAN: Well just the trial itself.

25 THE COURT: Oh, oh yes. So even with capital we have been able to

1 get our jury's in 3 to 4 days because they are full days.

2 MR. RAMAN: Okay. That would be perfect. And how big is the panel,
3 120?

4 THE COURT: Right now, under jury services, they're only giving us
5 55 at a time. However, I can -- because it's capital I can ask for some special
6 circumstances. But we're still under somewhat Covid regulations in regards to
7 people in buildings. So I'll work with them as much as I can, but I have yet to get
8 more then 55 to 60 in the room.

9 MR. RAMAN: Okay. We're starting on the 18th, Your Honor?

10 THE COURT: We actually will be starting on the 19th --

11 MR. RAMAN: 19th.

12 THE COURT: -- at 9 a.m.

13 MR. RAMAN: Mr. Patrick, even though he's stand-by is going to
14 coordinate for wardrobe for Mr. Brown.

15 THE COURT: Okay.

16 MR. PATRICK: That's correct, Your Honor.

17 THE COURT: And there are some new rules I'll be sending you guys
18 in an email in regards to wardrobe. So I just want to make sure you guys are all on
19 the same page.

20 MR. PATRICK: I believe Mr. Christiansen sent out that email --

21 THE COURT: Okay.

22 MR. PATRICK: -- Judge.

23 THE COURT: All right, perfect. And yeah that'll be it. So I will see you
24 guys on the 19th.

25 Mr. Brown I will make sure you have access to your 4 boxes as soon

1 as I get out of court, I'll make a call over to the jail.

2 MR. RAMAN: And just for the record since he's representing himself,
3 there is no offers available for Mr. Brown to plead at this time.

4 THE COURT: Okay. All right I'll see everybody on the 19th. Thank
5 you.

6 MR. PATRICK: Very good.

7 MR. RAMAN: Thank you.

8 MR. PATRICK: Thank you, Your Honor.

9 [Colloquy between The Court and The Court Staff]

10 THE COURT: All right, thanks everybody.

11 [Colloquy between The Court and The Court Staff]

12 THE COURT: Hey J.P. and Clark, I forgot, it still does -- I apologize, it
13 does still have to go to central and so I will give you guys date.

14 [Colloquy between The Court and Court Staff]

15 THE COURT: So we do have to send you guys to central calendar
16 call, and I forgot that we're still in that process. Judge Jones will get you the start
17 time, but I will let her know I'm requesting Tuesday at 9.

18 [Colloquy between The Court and Court Staff]

19 THE CLERK: So that will be April 13th at 2:00.

20 MR. RAMAN: Does the any means necessary order still stand?

21 THE COURT: Yeah, so it's a continuance any means necessary
22 unless the defendant waives his right to trial.

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1 MR. RAMAN: Okay.

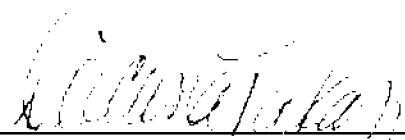
2 THE COURT: Okay.

3 MR. RAMAN: Great.

4 [Proceedings concluded at 11:21 a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

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25 De'Awna Takas
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA

CASE NO. C-14-299234-1

9 Plaintiff,

DEPT. VI

10 vs.

11 ROBERT BROWN, JR.,

12 Defendant.

13 BEFORE THE HONORABLE CHRISTY CRAIG, DISTRICT COURT JUDGE
14 TUESDAY, APRIL 12, 2022

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
16 **CONTINUED CALENDAR CALL**

17 **APPEARANCES:**

18 For the State:

JAY P. RAMAN, ESQ.
Chief Deputy District Attorney

19
20
21 For the Defendant:

In Propria Persona
CLARK W. PATRICK, ESQ.
Appointed Standby Counsel

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25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Tuesday, April 12, 2022, Las Vegas, Nevada

2
3 [Proceedings began at 11:24 a.m.]

4 THE COURT: All right.

5 MR. RAMAN: We don't have stand-by, Your Honor.

6 THE COURT: Did you say -- I thought you said Clark Peterson my
7 head kind of just spun around.

8 All right State of Nevada versus Robert Brown, C-14-299234. Mr.
9 Brown can you hear me okay?

10 THE DEFENDANT: Yes.

11 THE COURT: Thank you very much, sir, it's my understanding that
12 you have a trial set for April 18th, is that accurate?

13 THE DEFENDANT: That's correct.

14 THE COURT: All right. Are there any issues that the Court needs to
15 know in order to go forward?

16 THE DEFENDANT: Well I just received my discovery on the 7th, which
17 obviously isn't ample time to prepare for a defense or anything.

18 THE COURT: Okay.

19 THE DEFENDANT: And also even though it was a delivered just on
20 the 7th the Sargent, named Floyd, actually took out some of my discovery that he
21 deems was inappropriate for me to have. What that was I don't know because he
22 did it outside my presence so that's an issue.

23 Secondly, there are hand-written documents in the discovery that I
24 have that have not been copied and thus the stand-by counsel doesn't even
25 complete discovery of those.

1 THE COURT: Okay, so you're aware of some hand-written
2 documents is that what you're telling me, but you didn't get them?

3 THE DEFENDANT: No there's some hand-written documents in the
4 discovery that I have now that were not copied by former state appointed counsel.
5 So I just have the originals in my discovery. In other words, stand-by counsel
6 cannot possible have those, and they're material evidence of this case --

7 THE COURT: Okay.

8 THE DEFENDANT: -- so he doesn't even have full discovery at this
9 point.

10 THE COURT: All right. Mr. Raman are you aware of these hand-
11 written documents?

12 MR. RAMAN: No. He comes-up with something new every time. So --

13 THE COURT: So the answers just no?

14 MR. RAMAN: No.

15 THE COURT: Okay.

16 THE DEFENDANT: I object. What other things did I come up with?

17 THE COURT: Mr. Brown don't engage.

18 All right who is stand-by?

19 MR. RAMAN: Clark Patrick.

20 THE COURT: Clark Patrick. All right, Clark's not here; right?

21 MR. RAMAN: He's stuck in justice court; I've been corresponding with
22 him.

23 THE COURT: Okay.

24 All right I'm gonna share that information with Mr. Patrick and let him
25 know. He may have to come over and get them and then go copy them and them

1 bring them back to you. But it sounds like you're requesting to continue your trial,
2 is that what I'm hearing? The -- Judge Bluth had indicated --

3 THE DEFENDANT: No.

4 THE COURT: -- that --

5 THE DEFENDANT: No. No I'm not requesting anything Judge. Judge
6 Jacqueline Bluth already said she's forcing me in to trial. So whatever I do at this
7 point is obviously irrelevant. I'm just making a record clear that on top of her
8 forcing me to go to trial --

9 THE COURT: Okay.

10 THE DEFENDANT: -- that --

11 THE COURT: Mr. Brown --

12 THE DEFENDANT: -- I can -- neither does --

13 THE COURT: Mr. Brown --

14 THE DEFENDANT: -- counsel --

15 THE COURT: Mr. Brown --

16 THE DEFENDANT: -- all of --

17 THE COURT: Mr. Brown?

18 THE DEFENDANT: -- discovery.

19 THE COURT: Mr. Brown, hang on. I'm telling you right now she's not
20 forcing you to go to trial. She left me a note and said if you're not prepared and
21 you needed more time to go over your discovery, she had no objection to a
22 continuance. If that's what you need to do in order to be prepared say it now.

23 THE DEFENDANT: I have objected to a continuance. I'm not going to
24 let the Court turn this around on me and put it on me --

25 THE COURT: I'm asking you --

1 THE DEFENDANT: -- for a continuance.

2 THE COURT: -- what you want to do. Do you want to go forward with
3 the discovery as it stands now or do you -- would you like a continuance in order
4 to be prepared?

5 THE DEFENDANT: As I explained to Judge Bluth if she deems it
6 proper for me to go to trial with the discovery that I have --

7 THE COURT: It's your decision --

8 THE DEFENDANT: -- then so be it.

9 THE COURT: -- Mr. Brown it's not hers. It's your decision. Are you
10 prepared enough to go to trial? If you are, you go. If you're not prepared, then I'm
11 happy to get you a continuance so that you can get prepared.

12 THE DEFENDANT: Well I --

13 THE COURT: What do you want to do?

14 THE DEFENDANT: Can I ask you Judge, do you think it's lawful and
15 proper for me to be prepared under the fact that --

16 THE COURT: I'm --

17 THE DEFENDANT: -- the Court --

18 THE COURT: -- giving you --

19 THE DEFENDANT: -- has denied --

20 THE COURT: -- the choice. It's totally up to you. You can either go
21 forward or I can give you more time to prepare. What do you want to do?

22 THE DEFENDANT: I'm not gonna turn the question around. That's --
23 I'm not gonna do that. The Judge already said she's -- demanding me to go trial.

24 THE COURT: I'm telling --

25 THE DEFENDANT: And I'm gonna --

1 THE COURT: -- you --
2 THE DEFENDANT: -- stick with it.
3 THE COURT: -- she's not. She's indicated to me that if --
4 THE DEFENDANT: I don't --
5 THE COURT: -- you need time to get ready, she would grant that. So
6 just tell me what you want.
7 THE DEFENDANT: I'm not asking for any delays in my case.
8 THE COURT: All right. No --
9 THE DEFENDANT: I said --
10 THE COURT: -- delays.
11 THE DEFENDANT: -- I'll stick with it.
12 THE COURT: All right so it looks like you're set for trial on April 18th is
13 that accurate Mr. Raman?
14 MR. RAMAN: Yes, Your Honor.
15 THE COURT: All right. So this will go to central calendar call on
16 Wednesday; right, at 2?
17 THE CLERK: That is April 13th at 2 p.m.
18 THE COURT: All right sir you'll be in central calendar call to get your
19 date and time that you start. And good luck to you.
20 MR. RAMAN: And, Your Honor, you said April 18th I thought it was
21 originally scheduled for the 19th but that could've been --
22 THE JUDICIAL EXECUTE ASSISTANT: It is the 19th.
23 MR. RAMAN: -- left over from when Judge Leavitt had it?
24 THE COURT: My notes indicate -- from Judge Bluth, said the 18th, but
25 you tell me --

1 THE JUDICIAL EXECUTE ASSISTANT: We have an Atkins hearing
2 set for the 18th so --

3 THE COURT: Okay.

4 THE JUDICIAL EXECUTE ASSISTANT: -- we're gonna start the 19th.

5 THE COURT: She must just put it on the wrong date, so April 19th, but
6 you're still going to central calendar call where you'll get the final date and time.

7 MR. RAMAN: Okay, great, thank you.

8 THE COURT: All right. Thank you very much.

9 Mr. Patrick, hey, I just called Mr. Brown he's indicated that he's got
10 some documents that are originals that he needs to come over and get, make
11 copies of, so you have them as well.

12 MR. PATRICK: Okay.

13 THE COURT: And he's going to central calendar call on Wednesday.

14 MR. PATRICK: Okay.

15 THE COURT: All right?

16 MR. PATRICK: And he understands that he has everything that Ms.
17 Maningo sent him?

18 THE COURT: I didn't ask him that question.

19 MR. RAMAN: It wasn't his complaint today.

20 MR. PATRICK: Oh, okay.

21 THE COURT: All right?

22 MR. PATRICK: Okay.

23 THE COURT: Thank you.

24 MR. PATRICK: Very good.

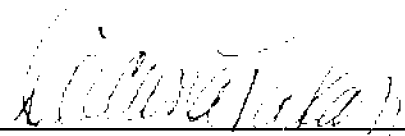
25 THE COURT: Appreciate it.

1 MR. PATRICK: Thank you.

2 [Proceedings concluded at 11:30 a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

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25 De'Awna Takas
Court Recorder/Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7 **THE STATE OF NEVADA,**

8 **Plaintiff,**

9 **vs.**

10 **ROBERT BROWN JR.,**

11 **Defendant.**

)
) **CASE NO. C-14-299234-1**

)
) **DEPT. VI**

12
13 **BEFORE THE HONORABLE JACQUELINE M. BLUTH,**
14 **DISTRICT COURT JUDGE**
15 **WEDNESDAY, APRIL 13, 2022**

16 ***RECORDER'S TRANSCRIPT OF HEARING:***
17 ***CENTRAL CALENDAR CALL***

18
19 **APPEARANCES:**

20
21 **For the Plaintiff:**

JAY P. RAMAN, ESQ.
Chief Deputy District Attorney

22
23 **For the Defendant:**

CLARK W. PATRICK, ESQ.

24
25 **RECORDED BY: DE'AWNA TAKAS, COURT RECORDER**

1 LAS VEGAS, NEVADA; WEDNESDAY, APRIL 13, 2022

2 *****

3 [Hearing commenced at 1:59 p.m.]

4 THE COURT: All right guys, let's call page 1, Nevada versus Robert
5 Brown, C-299234-1. Mr. Brown is present, in custody. Appearance for himself.
6 Mr. Raman is present in court as well as Mr. Clark Patrick who is stand-by
7 counsel for Mr. Brown.

8 All right, guys. So Mr. Brown, I want you to have the opportunity to
9 speak with you because I – the last time you were in my courtroom and I was
10 there, I told you that I was going to contact CCDC and make sure you had
11 access to all of your boxes or they told me that there were three boxes. And the
12 lieutenant stated that you could have access to those boxes. So how has that
13 been going?

14 THE DEFENDANT: I explained yesterday that Sergeant Floyd
15 brought my discovery on April 7th about 12:45 p.m. in unit 2L.

16 THE COURT: Okay.

17 THE DEFENDANT: Prior to him bringing it up to me though, he had
18 went through all of my discovery and, and decided upon himself without, without
19 my knowledge and observation, that I couldn't have certain materials out of that
20 discovery. So he took materials out of there, and I don't know what they are. So
21 that's, that's the first issue. Okay.

22 THE COURT: Okay.

23 THE DEFENDANT: Second issue was, the discovery that I actually
24 received it, it is missing all of my transcripts from court – from most – from most
25 court proceedings. I don't have those. Then there is the handwritten documents

1 that I spoke of that I brought with me to, to give to stand-by counsel, which he
2 cannot possibly have because they're handwritten. So, in other words, prior
3 state appointed counsel never copied those documents and kept them on for
4 themselves.

5 So Mr. Clark Patrick cannot possibly have those documents, and
6 they're material to my case as well. There's also –

7 THE COURT: Okay. Let me ask you a few questions though, just
8 one second, because I want to make sure I fully understand. So you, you don't
9 know which items were taken out by the lieutenant; is that right?

10 THE DEFENDANT: By the sergeant, Sergeant Floyd; that's correct.

11 THE COURT: By Sergeant Floyd, okay. So we're not sure about
12 those. And then when you stated the transcripts from the previous proceedings,
13 do you remember those being there and now they're not? Or you're not sure if
14 they were ever there?

15 THE DEFENDANT: I've, I've never had full discovery in the first
16 place, Ms. Maningo can attest to that fact. There are grievances and all sorts of
17 stuff that I filed through CCDC, because I have never had all of my discovery, so
18 that's – there's also two motions that I, I had copied by Maningo and State
19 appointed counsel before that team, which were not in my discovery, but I
20 brought with me here to give to stand-by counsel.

21 I don't know why it was removed from, from Maningo's discovery that
22 she handed over to me or delivered up to CCD, I should say, to be given to me.

23 THE COURT: These motions?

24 THE DEFENDANT: Yeah, there are two, two motions that I had
25 prepared since I've been Pro Se, the first time and this time.

1 THE COURT: What – can you tell me the names of them?

2 THE DEFENDANT: One of them is a Writ of Prohibition. One actually
3 has a title, one doesn't. And I can't read the title but one, one is [indiscernible]. I
4 can't open all this up with being handcuffed. One is, I believe the title is a Writ of
5 Mandamus or a Writ of Prohibition, something, something to that effect.

6 The other one is just –

7 THE COURT: And what's –

8 THE DEFENDANT: The other motion doesn't have a motion format
9 on the –

10 THE COURT: What's it about?

11 THE DEFENDANT: It challenges the, the statutes themselves on
12 different grounds under Article 4 of – 4 of Section 20 under Nevada's
13 Constitution, and I believe it's Article 4 Section 12 of Nevada's Constitution.

14 THE COURT: Have you – have you previously filed those?

15 THE DEFENDANT: No, they were given to prior attorneys to, to
16 preserve those issues either by motion or by their own motion, which they never
17 did. They refused to do so, so that's why and part of the reason why I ended up
18 going Pro Se is to make sure I can preserve those issues, which they refused to
19 do.

20 THE COURT: But why didn't you file them before today?

21 THE DEFENDANT: Why didn't I file them? Because they – my
22 understanding, I have to arrive at a certain – a certain position within the Court to
23 be acknowledged first and foremost as being a foreign sovereign, at least at the
24 factual level, not at the immunity level, just at the factual level. So those, those
25 motions relate to that -- to those rights under foreign sovereignty.

1 THE COURT: Okay. So if you have a motion that you want to file,
2 you need to make sure and mail that to me so I can get those filed.

3 THE DEFENDANT: Okay.

4 THE COURT: And I – I mean, excuse me, so that they can be filed
5 and I can get those looked up on and decided. But I guess what I'm confused at
6 is, you told me that you were ready and you wanted to go to trial and here we are
7 on calendar call day and there's all sorts of issues.

8 THE DEFENDANT: I've never told you I was ready Judge. All I said
9 was that Judge – all I – all I mentioned was Bluth basically forced me into trial.
10 She said, "Whether I'm ready or not she is forcing me into trial." And I mentioned
11 the fact I didn't have my discovery or anything and she said, "It didn't matter." So
12 I took --

13 THE COURT: Okay. So --

14 THE DEFENDANT: I'm taking her word as --

15 THE COURT: -- hold on. Mr. Brown, I am Judge Bluth.

16 THE DEFENDANT: Yeah, okay. Well, you should remember that
17 then clearly then.

18 THE COURT: I -- you should remember exactly what happened,
19 because clearly you don't remember.

20 THE DEFENDANT: Well --

21 THE COURT: You told me multiple times I'll give you to the last judge
22 because I watched your JAVS where you said that you would [audio distortion].

23 THE DEFENDANT: I can't -- I'm sorry, you're breaking up. I can't
24 hear anything you're saying right now.

25 THE COURT: Excuse me -- it's my -- her phone because it's causing

1 a lot of – if your case isn't going forward right now, please mute your
2 microphone. Okay. So if you remember, you told me multiple times that your
3 speedy rights have been violated, and that you needed to go to trial and that I
4 was the only judge who's actually forced your appearance, because you've been
5 refusing to come to court.

6 THE DEFENDANT: I –

7 THE COURT: And so – hold on. When Judge Craig was here a
8 couple of days ago, on Tuesday, actually it was yesterday. She again offered
9 you to continue the trial, because it sounded like you weren't ready. And you
10 said, your direct words were: "These courts aren't going to turn this on me."

11 So I just need you to understand something. I don't play games in my
12 department. You're either ready to go to trial or you're not. And if you're not, we
13 are going to pick a day that you will be ready for trial. Because the fact that this
14 is, case is from 2014 and it has not moved, is offensive. So you tell me what you
15 need to do and we'll pick a date that you can be ready.

16 And in a moment I'm going to hear from Mr. Raman who has been
17 preparing for this case to go forward, because you've been telling everybody you
18 want to go to trial.

19 THE DEFENDANT: That's, that's not true.

20 THE COURT: So what is the --

21 THE DEFENDANT: That is not completely not true. I don't – I need
22 to have those transcripts from, from the date that you're arguing about, because
23 you're misstating the record. Secondly, it is – if it's an offense to you, then you
24 need to impute that offense to the attorneys. Because I've had several attorneys
25 as you know of, and they took about, over six years of, of the time involved in this

1 case, and none of them had, had taken me to trial. So you need to impute that to
2 them, not me.

3 THE COURT: Mr. Raman, go ahead, Sir.

4 MR. RAMAN: So this is the second time that Mr. Brown has been Pro
5 Se. And during the extremely lengthy and detailed colloquy of *Faretta* that Judge
6 Leavitt went through with him; he made it undeniably clear that he would be
7 ready for this trial day, under no certain terms with his constant firing and rehiring
8 and –

9 THE DEFENDANT: That's not true.

10 MR. RAMAN: -- Pro Se, that he would be doing this as a delay tactic.
11 We've had a lot of time since that *Faretta*, and now he's never in that time made
12 any complaints about his discovery. That only came –

13 THE DEFENDANT: That's not true.

14 MR. RAMAN: -- after all the central trial – I'm sorry, the trial readiness
15 status check of last week. And then on the calendar call yesterday with Judge
16 Craig, Judge Craig pushed him multiple times: Do you not have your things? Do
17 you want to ready – to be ready to go? And he constantly deflected. He
18 constantly said,

19 "You're not going to put any kind of continuances on me. I can
20 be ready."

21 It was a minutes long exchange between Judge Craig and him.

22 And essentially, there's a new gripe every single day we come in and
23 it's just being spun in a totally new vein. I don't think there's ever going to be a
24 circumstance where we're able to take this man to trial without him complaining
25 about something in the process. Be it the C-O took something that he thinks he

1 shouldn't have, or there's this motion to be filed. Whatever file – motions he had
2 in his possession, he can file them today. We'll respond to them by the start of
3 trial.

4 We are ready. We have whittled down our witnesses to about 10 per
5 case in chief and about 3 to 4 for penalty. We can get this case entirely tried
6 provided that this is expediently done by Mr. Brown within a two week period
7 even with a Tuesday start. We can get it done. And this – even though it's a
8 2014 case; the murder's from 2012. This is almost a decade old.

9 THE DEFENDANT: If I can say something here Judge.

10 THE COURT: Yeah.

11 THE DEFENDANT: When I proceeded Pro Se this time, I probably
12 had about 8 months until this trial date to come, so with that said, that is the time
13 frame that I – that I figured I would have enough time to, to, to proceed in this
14 case. However, the record is very clear that I told this Court several times that I
15 do not have my discovery, and I said this very early. I said it probably only a
16 week after I was assigned or granted Pro Se status.

17 I made the record very clear that I did not have my discovery, so it's
18 the State's fault that never gave me my discovery. It's not my fault. The record's
19 very clear of that.

20 THE COURT: But I – okay. Time out. I just need to understand
21 besides the transcript of the proceedings, which is not something the State would
22 give you. What is it that you believe you're missing? Because –

23 THE DEFENDANT: How --

24 THE COURT: -- in my interactions with the jail, they're telling me that
25 you have three full boxes.

1 THE DEFENDANT: Right. How could I know what I have missing
2 when, when the sergeant took them out of my presence as I've been telling you
3 on the record. You've taken these things out of my presence, so I don't know
4 what he's taken. He just told me he's –

5 THE COURT: I know that.

6 THE DEFENDANT: -- he's taken property out that he deemed that I
7 cannot have in here.

8 THE COURT: Okay. But that was before. This is before the sergeant
9 ever got involved, Sir. That – I'm talking before that, you said you were missing
10 your discovery.

11 THE DEFENDANT: Yeah, I didn't –

12 THE COURT: Since then the sergeant has gotten involved, but
13 before that, did you believe you were missing your discovery?

14 THE DEFENDANT: I absolutely didn't have most of my discovery.
15 Let me explain something also. The, the discovery that was sent to me by
16 Maningo, the former appointed counsel. She had three banker's boxes full of
17 discovery, and at the time, about a week later, like I said after she sent it, I made
18 clear on the record that the jail said,

19 "I cannot have it because three banker boxes is a fire hazard."

20 Now if you or the DA wants to assume that I had – I already had my
21 discovery which is an uncertainty, because I'm telling you that it's a fire hazard,
22 so I could not possibly have had three banker's boxes full of discovery. Is that
23 understood, what I'm saying?

24 THE COURT: Yeah, coming through real clear. It's not really that
25 complex.

1 THE DEFENDANT: Okay, so the delusion that the DA has that I've
2 had my discovery on long and I'm playing games and now stuff is missing, that's
3 outrageous to me.

4 THE COURT: Okay. So Mr. Raman, first let me say, I, I can't even
5 imagine how frustrating this is. I understand how old this case is. The problem
6 is, is I've only been a judge on it for – this is my first time. And so, I am trying to
7 grapple with a record on a death penalty case with a Pro Per Defendant who's
8 claiming discovery in fractions.

9 And I'm sure that you can understand why I have grave concerns in
10 regards to the record that is being made. I can see where you're coming from,
11 that it's not going to matter at what time this case goes to calendar call or trial,
12 that there's always going to be a gripe.

13 But I do believe that there are certain safeguards that I can put in
14 place that will clear up this record. That being a full discovery review, a complete
15 copy of everything from your file, which, by the way, three boxes. How much is
16 your discovery?

17 MR. RAMAN: Mine is –

18 THE COURT: How much would you say?

19 MR. RAMAN: I have one banker's box; that's it.

20 THE COURT: One banker's box, okay. So some of the documents
21 that I believe Ms. Maningo probably gave were probably in regards to their
22 mitigation investigation that I imagine they did on Mr. Brown's behalf. So that
23 being said, this matter -- I do not feel comfortable going forward to trial; however,
24 we are going to put it back on my calendar and we are going to pick a date and
25 that date is going to be firm, Mr. Brown.

1 So, I am going to get you a complete copy of your discovery, Sir.
2 Right now, if you have those motions, I am going to ask you to hand them to the
3 marshal. The marshal is going to hand them to the marshal in the courtroom.
4 The corrections officer is going to hand them to the marshall in the courtroom,
5 and they are going to be filed in open court. When I see you next time we are
6 picking a date.

7 And you need to think long and hard about how much time you need
8 to be ready, because I will not capital W-I-L-L N-O-T, continue this case again.
9 So I want this matter set on my calendar in two weeks for status check trial
10 setting.

11 Mr. Raman, if you could please make a complete copy of that file,
12 we'll get it delivered over. I'll have a conversation with the jail in regards to what
13 documents are being kept from Mr. Brown. I'm sure there's some reasons in
14 regards to that and I'll get to the bottom of that. And we'll have this matter
15 figured out in two weeks on my – it'll be my 9:30 calendar at that point in time.

16 MR. RAMAN: Okay, all paper documents or anything that can be
17 produced on paper will be produced on paper. Anything that cannot be such as
18 a video will be given to Mr. Patrick.

19 THE COURT: Yeah, would you mind just making a list of anything
20 that that can't be done via paper, and I'll talk to the jail about the review of those
21 materials?

22 MR. RAMAN: Sure.

23 THE CLERK: April 27th at 9:30.

24 THE COURT: And then if the C-Os can grab that motion for me, I
25 would really appreciate it. Thank you.

1 MR. RAMAN: All right. Sounds good. I'm getting a form that's not –
2 CC6-.

3 THE CLERK: It is.

4 MR. RAMAN: It's a Wednesday?

5 THE CLERK: Yeah.

6 MR. RAMAN: Okay.

7 THE CLERK: It just got moved from Friday to Wednesday.

8 THE COURT: All right. Let's go to the Fernandez matter on page 14.

9 THE CLERK: Hold –

10 THE COURT: State of Nevada versus Angel Fernandez.

11 THE CLERK: Hold on Judge.

12 THE COURT: C-345 –

13 THE CLERK: Hold on Judge.

14 THE COURT: -- dash 1.


15 THE CLERK: We got moved from Fridays to now Wednesdays.
16 That's our first Wednesday homicide case date on the 25th. Does that make
17 sense?

18 MR. RAMAN: Yes.

19 [Proceedings concluded at 2:15 p.m.]

20 * * * * *

21 ATTEST: I hereby certify that I have truly and correctly transcribed the
22 audio/visual proceedings in the above-entitled case to the best of my ability.

23 
24 Kerry Esparza
25 Court Recorder/Transcriber

1 ORDR
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7 DISTRICT COURT

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9 CLARK COUNTY, NEVADA
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12 THE STATE OF NEVADA.,)

13 Plaintiff,)

14 vs.)

15 ROBERT BROWN, JR., ID #6006120)

16 Defendant.)
17
18

Case No. C-14-299234-1

Dept. No. VI

**ORDER TO TRANSPORT BY ANY
MEANS NECESSARY**

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clark County
20 Detention Center produce and transport Defendant Robert Brown, Jr., ID #6006120 by ANY
21 MEANS NECESSARY for his court appearance of April 27, 2022 at 9:30 a.m. in District
22 Court, Department 6.

23 IT IS SO ORDERED.
24

Dated this 26th day of April, 2022

25 *J. Bluth*
26
27

JACQUELINE BLUTH - DISTRICT JUDGE

28
10A AAC AD6A 1A67
Jacqueline M. Bluth
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 State of Nevada

CASE NO: C-14-299234-1

7 vs

DEPT. NO. Department 6

8 Robert Brown, Jr.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

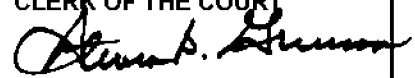
14 Service Date: 4/26/2022

15 Jonathan Crain .	jcrain@christiansenlaw.com
16 Keely Perdue .	keely@christiansenlaw.com
17 Kendelee Works .	kworks@christiansenlaw.com
18 Peter S. Christiansen .	pete@christiansenlaw.com
19 Whitney Barrett .	wbarrett@christiansenlaw.com
20 Ivette Maningo	iamaningo@iamlawnv.com
21 William Rowles	William.rowles@clarkcountyda.com
22 Abel Yanez	ayanez@noblesyanezlaw.com
23 DA Motions	PDMotions@clarkcountyda.com
24 Richard Scow	richard.scow@clarkcountyda.com
25 Heather Ungermann	ungermannh@clarkcountycourts.us

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27
28

Jay Raman	jay.raman@clarkcountyda.com
Takas De'Awna	takasd@clarkcountycourts.us
Villani Gina	villanig@clarkcountycourts.us
Sison Yvete	sisony@clarkcountycourts.us



1 ORDER

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7 DISTRICT COURT

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9 CLARK COUNTY, NEVADA

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12 THE STATE OF NEVADA.,

13 Plaintiff,

14 vs.

15 ROBERT BROWN, JR., ID #6006120

16 Defendant.
17

)
) Case No. C-14-299234-1
)

)
) Dept. No. VI
)

)
) **ORDER TO TRANSPORT BY ANY**
) **MEANS NECESSARY**
)

18
19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clark County
20 Detention Center produce and transport Defendant Robert Brown, Jr., ID #6006120 by ANY
21 MEANS NECESSARY for his court appearance of May 11, 2022 at 9:30 a.m. in District
22 Court, Department 6.

23 IT IS SO ORDERED.
24

25
26 

27 JACQUELINE BLUTH - DISTRICT JUDGE
28





RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

ROBERT BROWN, JR.,

Defendant.

CASE NO. C-14-299234-1

DEPT. NO. VI

BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE

WEDNESDAY, APRIL 27, 2022

RECORDER'S TRANSCRIPT OF PROCEEDINGS:

STATUS CHECK: RESET TRIAL DATE

APPEARANCES:

For the State:

KAREN L. MISHLER, ESQ.
Chief Deputy District Attorney

For the Defendant:

CLARK W. PATRICK, ESQ.
Standby Counsel

RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Wednesday, April 27, 2022, Las Vegas, Nevada

2 [Proceedings began at 9:35 a.m.]

3
4 THE COURT: All right. And next on my sign in sheet is Mr.
5 Patrick on page 9. State of Nevada versus Robert Brown, Junior,
6 C299234-1. However, I do not believe --

7 MR. PATRICK: Yeah. We have -- we have the State here,
8 Your Honor.

9 THE COURT: Oh, we do?

10 MR. PATRICK: Yes.

11 MS. MISHLER: Sorry.

12 THE COURT: Oh, Ms. Mishler.

13 MS. MISHLER: Sorry, Your Honor.

14 THE COURT: Oh, okay. Sorry, I didn't see you. Ms. --

15 MS. MISHLER: Karen Mishler on behalf of the State.

16 THE COURT: -- Karen Mishler present on behalf of the State.
17 All right, guys, this is the time and date set for a status check of reset
18 trial date. Mr. Brown, last time you were here -- I should put on the
19 record that Mr. Brown is present, in custody representing himself. Mr.
20 Clark Patrick is present on his behalf as standby counsel. Ms. Mishler
21 present on behalf of the state.

22 All right. Mr. Brown, last time I saw you I asked you to be able
23 to evaluate how long you felt like you would need to prepare for trial, so
24 that I can get you on the books. You also had discussed the fact that
25 you needed transcripts of all the court hearings, so my Court Recorder

1 was nice enough to be able to -- she has made you a copy of every
2 single court appearance that has happened. And those have all been
3 transcribed and those are being delivered to the corrections officer at
4 this point and time.

5 All right. So what are we looking at in regards to trial
6 readiness, time needed?

7 THE DEFENDANT: Well, two things. One, apparently, I don't
8 have a -- an investigator because no -- none has come to see me, so
9 apparently I don't have one. Obviously, I need one because Mr. Clark
10 Patrick cannot assist me in getting I guess subpoenas, requests for
11 expert witnesses and so forth.

12 And other than the fact that I obviously object to a continuance
13 in the first place. I'll just leave it in the Court's hands to set a date
14 because there's also new discovery issues with Sergeant Floyd, I
15 mentioned to you --

16 THE COURT: Right.

17 THE DEFENDANT: -- took -- took this discovery out -- some
18 discovery out. I don't know what that is.

19 THE COURT: Sure. So I'm going --

20 THE DEFENDANT: So I would --

21 THE COURT: -- I'm going to have a conversation with
22 Sergeant Floyd so I can understand the rules and the regulations and
23 what was taken and what was not taken. As far as what was given to
24 you, is that still in your cell? Is that stuff in your cell?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. All right. Okay. So we'll handle that.

2 And then in regards to an investigator, you want an
3 investigator like you stated to serve subpoenas; is there any
4 investigation work you want that person to do or just help with the
5 processing and serving of subpoenas?

6 THE DEFENDANT: No. There's investigation work I need
7 him to do.

8 THE COURT: Okay. And then what were you were saying
9 about this Mr. Patrick was unable to do. I missed that part.

10 THE DEFENDANT: Well apparently, he doesn't have to do
11 anything for me according to -- is what he's telling me, so.

12 THE COURT: So, I mean, look, standby counsel really is
13 there to aid you in regards to legal issues, complex legal issues, kind
14 give you, you know, lean you in the right direction. But yeah, he's not --
15 one thing that individuals who represent themselves are -- are usually a
16 little off base on is that he's there to do your work for you; right?

17 And if you remember when your canvassed those are kind of
18 the things we talk to you about. So an investigator maybe the individual
19 that you need to go do investigation for you.

20 THE DEFENDANT: Well I understand that's the default
21 assignment that standby counsel has is to be passive, but according to
22 case law, the Judge has discretion to appoint him as either advisory
23 counsel or -- or even as hybrid counsel. Apparently, you don't want to
24 exercise discretion on either of those, but I put them in -- in a motion that
25 I first filed with the Court about those two options. I didn't get a

1 response from you on that. Advisory counsel would be helpful
2 especially with the complexity of the case.

3 THE COURT: Sure. I mean in my department, standby
4 counsel is standby counsel. And if you want to represent yourself, then
5 the attorney is standby counsel. If you do not want to represent yourself
6 and you want an attorney appointed, then they become your counsel.
7 But my understanding is that you at this point in time would like to
8 represent yourself.

9 THE DEFENDANT: Right.

10 THE COURT: Okay. All right. So, we will -- I will have a
11 conversation with the Office of Appointed Counsel or actually I will just
12 send an email requesting that an investigator be appointed and be in to
13 see you within a week time period. I will have a conversation with -- tell
14 me the Sergeant's name again?

15 THE DEFENDANT: Sergeant Floyd.

16 THE COURT: Sergeant Floyd. Okay. In regards to what
17 discovery you can and can't have, if there's certain discovery you can't
18 have within your cell, what I've done on multiple occasions with pro per
19 defendants is I just set out some time for them to come over and view
20 the discovery in court and have time to do that. Because sometimes
21 that just things that you're not allowed to do or you can't view in -- in
22 court like let's say audio video type things.

23 THE DEFENDANT: Right.

24 THE COURT: So we provide you a laptop and then you're
25 able to go through that. So let me just find out --

1 THE DEFENDANT: Right.

2 THE COURT: -- what it was that was taken and I will talk to
3 him about that and we'll get on with the right page.

4 THE DEFENDANT: Okay.

5 THE COURT: Yes.

6 THE DEFENDANT: Your Honor, you mentioned also last time
7 about a comparison with my discovery and I guess the discovery that -- I
8 mean standby counsel has, so I can at least compare what's -- what I
9 have against what he has.

10 THE COURT: So what I actually asked was the State, and I
11 know Mr. Raman was working on it, was him to make a complete copy
12 of everything that they have. Because what's most important to me is
13 you have what the State has; right?

14 THE DEFENDANT: Okay.

15 THE COURT: And so Mr. Raman said that he was going to
16 do that and I asked him if there was anything that was electronic in
17 nature to provide it to me. And that way like I said, then you can come
18 into my courtroom because they don't allow you to look through that stuff
19 at the jail.

20 So, Ms. Mishler, Mr. Raman was going to do that for me; do
21 you know if that was done?

22 MS. MISHLER: Yes. I have representations regarding that.
23 The State has reproduced all of the discovery that could be reduced to
24 paper that's -- that's what's in that box that I provided to standby
25 counsel. It's now bated stamped DA00001 through DA02338. And to be

1 clear, it's not new. This is the same discovery that's been provided.

2 THE COURT: Yeah.

3 MS. MISHLER: All that's new was the bate stamping.

4 THE COURT: Right.

5 MS. MISHLER: The -- the State was not able to -- to make
6 copies of other things that could not be reduced to paper like the
7 recordings and things like that. The State will be doing that next week
8 and we'll -- and then we'll provide that. If you want that provided to -- to
9 Your Honor, that's fine or we can provide that to -- to standby counsel.

10 THE COURT: Either way is fine. I just -- I'll talk to Sergeant
11 Floyd, but my experience in the past is that they don't allow that at the
12 jail with a pro per that they have to come here and do it. So I'm -- I'm
13 fine either way.

14 MS. MISHLER: Okay, Your Honor. The State would request
15 a status check date in approximately two weeks, so the defendant can
16 state on the record that he has received and reviewed the -- the
17 discovery.

18 THE COURT: Okay. Mr. Patrick, anything on your behalf
19 today?

20 MR. PATRICK: Yeah, Judge. This is ridiculous. They -- she
21 just brings this big old box and drops it off to me in the middle of court
22 when I have several courts to go to today.

23 Now unless -- you know, and with the history of discovery and
24 Mr. Brown, I think you should have them take it to -- with him right now
25 because otherwise I'm going to have to leave it here and come back and

1 get it at some point and then I can see that causing problems with
2 what's in here and what's not in here.

3 But it's ridiculous to bring a full banker's box and just give it to
4 somebody -- they could've brought it to my office, they could've called
5 me and said hey, we're going to bring this. This is just totally
6 unacceptable for in the middle of court to surprise somebody like this.

7 So if the CO's want to take it back so Mr. Brown has it, fine.
8 Otherwise, maybe Chris can hang on to it for me for, you know, until I
9 have a chance to come back and get it.

10 THE COURT: Sure.

11 MR. PATRICK: But this is ridiculous.

12 MS. MISHLER: Your Honor, the State wasn't trying to
13 inconvenience anyone. I'm just filling in for Mr. Raman. Just there have
14 been so many issues with the defendant --

15 THE COURT: I understand.

16 MS. MISHLER: -- creating discovery issues, so.

17 THE COURT: It's not a problem.

18 Officer, I don't know. Is it okay to turn that over to you right
19 now? Would you prefer it to go in through the attorney check in? You
20 tell me your preference.

21 THE OFFICER: Discovery attorney check in if he can't hold it
22 himself.

23 THE COURT: Oh, I don't --

24 THE OFFICER: If he can hold it himself.

25 THE COURT: Is he -- is it heavy, Mr. Patrick? I don't know. I

1 can't see.

2 MS. MISHLER: It is.

3 MR. PATRICK: Yeah. There's -- I don't know, two thousand
4 pages.

5 THE COURT: Okay. Mr. Brown, do you want to see if you
6 can carry it or --

7 THE DEFENDANT: No. I don't think so.

8 THE COURT: Okay.

9 THE DEFENDANT: I think [indiscernible -- multiple speakers]
10 --

11 THE COURT: All right. So we'll do this. So we will -- are you
12 okay, Mr. Brown, with me keeping it over here in a protected area and
13 then Mr. Patrick can come in to get it when he is able to do so?

14 THE DEFENDANT: Sure.

15 THE COURT: Okay.

16 THE DEFENDANT: With regards to the comparison notes,
17 the other issue was that I needed to compare what he has because like -
18 - like I mentioned last time there were two motions that were not in the
19 discovery that I have and I gave it to Yvette Maningo and they weren't in
20 my present discovery that Mr. Floyd bought me, but I had copies of it
21 already.

22 So with that said, there's two huge motions that were -- that
23 are missing from my discovery and other -- other documents that I
24 handed over. There were 35 pages. I gave them manila folders and it
25 was four folders total -- totaling -- total that I gave to him the last court

1 date. So those things were not in -- in my discovery that Floyd gave me.
2 So the comparison is important for me to know what else is missing from
3 Mr. Patrick's discovery not just on the State -- State's discovery that
4 they're handing over, but what I handed over to all the present -- all the -
5 - excuse me -- all the previous counsels that I had --

6 THE COURT: Okay.

7 THE DEFENDANT: -- and I gave [indiscernible] important
8 documents that some of them go to what I've been relating and arguing
9 about are -- are conflicts of interest or stuff like that. So I need those to
10 be preserved in this discovery as well.

11 THE COURT: All right. So I mean that's something you two I
12 guess --

13 MR. PATRICK: I have some of that. I don't have nearly
14 everything he's talking about because, you know, when I got the file
15 from Ms. Maningo it -- it's I don't know several -- several banker boxes.
16 I got the stuff that I needed to be familiar with the case not, you know,
17 motions from five or ten years ago.

18 THE COURT: Right. Yeah. I mean, it's my understanding
19 because looking at the amount of discovery that State has compared to
20 what you're talking about, I believe a lot of the boxes that Ms. Maningo
21 had were in regards to mitigation and information that they had received;
22 do you think that that's a fair analysis, Mr. Patrick?

23 MR. PATRICK: I think that's probably a fair analysis.

24 THE COURT: Okay. So if there were motions that -- you're
25 telling me they're motions that you wrote?

1 THE DEFENDANT: Mm-hmm.

2 THE COURT: All right.

3 THE DEFENDANT: Motions, letters, confidential letters to
4 them discussing all kinds of places, stuff like that. And obviously those
5 were with the motions that I filed to dismiss them, so I want those
6 preserved. I want to know that he has them as well and they weren't
7 just thrown away.

8 THE COURT: I don't -- I think he's saying that he doesn't
9 them.

10 MR. PATRICK: I don't have any of that. That would still be --
11 Ms. Maningo or previous counsel before her would have all that kind of
12 stuff.

13 THE COURT: I mean so if there are motions or legal issues
14 that you want brought up, then just file them because I don't think that
15 motions from years ago have -- I don't think anyone has kept them.

16 THE DEFENDANT: Well it's just not the motions. It's the
17 letters as well. And if the --

18 THE COURT: But what letter --

19 THE DEFENDANT: [indiscernible -- multiple speakers]

20 THE COURT: -- what do you mean letters?

21 THE DEFENDANT: Letters I've sent to the previous counsel
22 about conflicts and discussing strategy and stuff like that. So those
23 letters I sent to the attorneys personally and some of them are missing.

24 THE COURT: But see the -- the thing about that is we're not
25 going to be able to replicate those. So I mean that stuffs all up here;

1 right? So, you're going to need to -- in the preparation of trial, you're
2 going to need to be doing that.

3 THE DEFENDANT: I don't have a good memory like that.

4 THE COURT: No.

5 THE DEFENDANT: You know, I don't have a good memory.

6 THE COURT: All right. Okay. So what is our -- I'm going to
7 do a status check in two weeks and then a calendar call and trial date
8 please?

9 THE JUDICIAL EXECUTIVE ASSISTANT: The status check
10 will be May 11th at 9:30 and then July 25th --

11 [Colloquy between The Court and the Clerk]

12 THE JUDICIAL EXECUTIVE ASSISTANT: -- for the trial date
13 and then -- at 10:00 a.m. and that's July 19th for the calendar call at
14 9:30.

15 MR. PATRICK: Your Honor, the only thing I can say is if this
16 lasts longer than three weeks, I will not be in the jurisdiction the third
17 week, the week of August 8th.

18 THE COURT: This won't be lasting longer than three weeks.

19 MR. PATRICK: Well no. I mean that -- if it lasts longer than
20 two weeks, I will not be here the third week.

21 ///

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THE COURT: So the third week you're is the week that you're

--

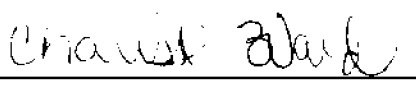
MR. PATRICK: Correct.

THE COURT: Okay. All right. Got it.

[Proceedings concluded at 9:47 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


Charisse Ward
Court Recorder/Transcriber

Steven D. Grierson

MOT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JAY P RAMAN
Chief Deputy District Attorney
Nevada Bar #10193
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

ORIGINAL

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ROBERT BROWN JR,
#6006120

Defendant.

CASE NO: C-14-299234-1

DEPT NO: VI

STATE'S NOTICE DISCOVERY PRODUCTION

The State of Nevada has reproduced all of the following discovery for the defendant based upon complaints made at the April 13, 2022 Central Trial Readiness Date:
April 25, 2022 – BATES DA00001 – DA 02338 – All of the documents and reports in this case, as well as photographs; provided printed on paper; previously provided August 3, 2015
June 2, 2022 -
DA 02339 – Video of the beating at the Clark County Detention Center from 2018 (provided to standby counsel previously in early April 2022.
DA 02340 – Video of interview of Kayla Higgins from December 8, 2012 (provided to Yanez & Maningo, June 25, 2022)
DA 02341 – DNA Case file, previously provided June 25, 2015
DA 02342 – Esther Maestas medical records, previously provided August 3, 2015
DA 02343 – Robert Brown Jail Calls 4/11/14 to present, previously provided August 3, 2015

////

1 DA 02344 – Robert Brown Jail Calls 8/15/14 – 6/10/15 previously provided August 3, 2015

2 DATED this 2nd day of June, 2022.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001565

6 BY 

JAY P. PRAMAN
Chief Deputy District Attorney
Nevada Bar #10193

8
9 CERTIFICATE OF RECEIPT

10 I hereby certify that discovery was received this 2nd day of June, 2022, by

11
12
13 BY: 



CLARK COUNTY
District Attorney

OFFICE OF THE DISTRICT ATTORNEY
CLARK COUNTY, NEVADA

DISCOVERY RECEIPT AND REQUEST FOR RECIPROCAL DISCOVERY

Defendant: Robert Brown Jr

Date: 6-2-22

Case No: C-14-299234-1

Dept: VI

By: JP Ranson

Discovery Provided in this Disbursement:

Number of Pages: _____

Number of CD's: 6

Number of USB Flash Drives: _____

Bates Numbered: _____ to _____

Other: media only Discovery

DISCOVERY PROVIDED BY STATE

The State has provided any: (a) written or recorded statements made by a witness; (b) results or reports of physical or mental examinations, scientific tests or scientific experiments; and (c) books, papers, documents or tangible objects, any and all of which is within the possession, custody or control of the District Attorney which the prosecuting attorney intends to introduce in the case-in-chief of the State. Additional discovery will be provided as it becomes available pursuant to NRS 174.295. The State agrees to comply with the discovery statutes contained within the Nevada Revised Statutes as well as those legal opinions interpreting the State's discovery obligations. The State further agrees to provide all material consistent with *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 10 (1972), and their progenies. Discovery beyond what is statutorily and constitutionally required may not be provided.

STATE'S REQUEST FOR DISCOVERY

Defendant agrees to accept this document as constituting a sufficient request for discovery under NRS 174.245 in compliance with NRS 174.285. Pursuant to NRS 174.245, the State hereby requests that the Defendant provide to the Office of the District Attorney to inspect and copy or photograph any: (a) written or recorded statements made by a witness; (b) results or reports of physical or mental examinations, scientific tests or scientific experiments; and (c) books, papers, documents or tangible objects, any and all of which is within the possession, custody or control of the Defendant or Defendant's counsel, the existence of which is known, or by the exercise of due diligence may become known, to the Defendant or Defendant's counsel which Defendant or Defendant's counsel intends to introduce in evidence during the case-in-chief of the Defendant. The Defendant agrees to provide such documents within 30 days of receiving the attached documents or 30 days prior to trial (whichever is sooner) and provide additional discovery as it becomes available pursuant to NRS 174.295.

Recipient Information:

Name: Clark Patrick

Bar #: _____

☐ Retained ☐ Public Defender ☐ Special Public Defender ☒ Appointed Counsel ☐ Pro Per

In executing this Discovery Receipt and Request for Reciprocal Discovery, I acknowledge receipt of the discovery provided by the State and the State's request for discovery and I promise to comply with all the requirements of NRS 174.245 and 174.295.

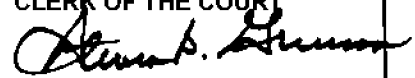
Signature

[Signature]

Date:

6/9/22

0018947



1 ORDR
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7 DISTRICT COURT
8

9 CLARK COUNTY, NEVADA
10

11 THE STATE OF NEVADA,,
12

13 Plaintiff,
14

15 vs.
16

17 ROBERT BROWN, JR., ID #6006120
18

19 Defendant.
20

} Case No. C-14-299234-1

} Dept. No. VI

} **ORDER TO TRANSPORT BY ANY
MEANS NECESSARY**

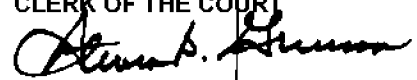
21 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clark County
22 Detention Center produce and transport Defendant Robert Brown, Jr., ID #6006120 by ANY
23 MEANS NECESSARY for his court appearance of June 22, 2022 at 9:30 a.m. in District
24 Court, Department 6.

25 IT IS SO ORDERED.
26



27 JACQUELINE BLUTH - DISTRICT JUDGE
28





DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff(s),

-VS-

ROBERT BROWN, JR.,

Defendant(s).

CASE NO. C299234-1

DEPT. NO. 6

A MOTION FOR DISMISSA BY A SUGGESTION OF IMMUNITY

OR

A WRIT OF PROHIBITION, OR MANDAMUS

Second Draft Motion, O.G.

Suggestion of Immunity
or
Prohibition

LEGAL

1 STATE OF NEVADA

Case No.: C-14-299234

2 Plaintiff

Dept. No.: XVII

3 VS.

4 ROBERT BROWN (a legal person), accused,

5 by Yabshua "Ariyl" Hakohen,

6 (a Spiritual Corporation Sole),

7 In "Pro Persona"

8
9 A MOTION FOR DISMISSAL BY A SUGGESTION OF IMMUNITY

10 OR

11 A WRIT OF PROHIBITION, OR MANDAMUS

12
13 COMES NOW, the Accused, ROBERT BROWN, by Ariyl, a foreign
14 public Ecclesiastical Corporation Sole of the Son of Yabweh,
15 and hereby moves this court for a Suggestion of Immunity,

16 or Writ of Prohibition. NRAP 21(a)(1) and 17(a)(1),(10); LOW v.
17 CROWN POINT MINING CO., 2 Nev. 75 (1866); G & M PROPERTIES v.
18 SECOND JUDICIAL DIST. COURT, 95 Nev. 301 (1979); NRS 34.340;

19 Article 6, § 4 of The Nevada Constitution; SAMANTAR v. YOUSUF,

20 130 S. Ct. 2278, 2291 (2010); COMMONWEALTH v. KOSLOFF, 5 Serg. &

21 RAWLE 545, 545 (Pa. Ct. Oyer & Terminer Phila. 1816); UNITED

22 STATES v. NORIEGA, 117 F.3d. 1206, 1212 (11th Cir. 1997); and THE

23 SCHOONER EXCHANGE, 11 U.S. (7 Cranch) 116 (1812).

24
25 This Motion is made and based upon all papers,
26 pleadings, and asserted facts on file, or otherwise recorded,
or in the possession of the court (judge, prosecutor, and
defense attorneys).

FACTS

On Jan. 9, 2014, the Accused was forcibly seized in California by a warrant issued from the State of Nevada for a charge of capital murder, inter alia. At and before that time, the State of Nevada knew that the Accused is an immune foreign public Ecclesiastical Corporation Sole of the Son of Yahweh, known as "Ariyl." See attached AFFIDAVIT; and ARGUMENT.

Consequently, the Accused expressly rejected Nevada's jurisdiction by refusing to sign a Waiver to extradite, and demanded a Governor's Warrant.

At arraignment, the Accused was ready to enter a plea, and asked the court if he could do so. Judge Sciscento refused the request by insisting that an attorney be present for him. Thus, Nevada denied and manipulated the only legal opportunity when an Accused could meet its law's demand that a plea against its court's in personam jurisdiction, on the ground of foreign sovereign immunity, can only be made, without an attorney, at arraignment. An accused cannot make such a plea[] through an attorney. This implies leave of court, which acknowledges its jurisdiction."

See WILLIAM WYCHE, *A Treatise on the Practice of the Sup. Ct. of Judicature of the State of New York in civil Actions* (New York, Swords 1794), at 109. See also BLACK'S, *Law Dictionary* (6th Ed.): Jurisdiction in personam.

The court postponed the arraignment for an attorney pre

1 Since then, the Accused has fired several attorneys for
2 their refusal to hear his arguments and put on a defense
3 that Nevada's insolvent statutes cannot reach an immune
4 member of the "Church." Every attorney, in collusion with
5 the court, has gone further in usurping its position over
6 the Accused, by denying a defense that amounts to a right
7 to a trial by jury. See COLL. SAV. BANK v. FLA. PREPAID POST-
8 SECONDARY EDUC. EXPENSE BD., 527 U.S. 666, 682 (1999) (speaking
9 of sovereign immunity as a "constitutional right" akin to "the
10 right to trial by jury in criminal cases"). Cited by: NELSON,
11 Sovereign Immunity as a Doctrine of Personal Jurisdiction,
12 115 Harv. L. Rev. 1559 (2002), at 1566, n. 25.

13
14 The second attorney appointed by the court was
15 Joshua Tomsheck. At preliminary, the Accused repeatedly
16 told justice court judge Sciscento that he does "not under-
17 stand" the charges. In a meeting afterwards with
18 Tomsheck, the Accused began to explain his position
19 against the laws of the State of Nevada having
20 jurisdiction over him. The Accused also informed
21 Tomsheck that he was going to invoke his right to a
22 Speedy Trial at district court arraignment. Tomsheck
23 attempted to discourage and insist that the Accused
24 not do so.

25 At arraignment, in judge Garza's district court,
26 the Accused, again, repeatedly told the judge that he
27 does "not understand" the charges. After the judge
28 expressed her frustration with that answer, Tomsheck

1 interjected with the lie that the Accused had, in
2 depth, discussed the charges with him. Tomsheck did,
3 however, go on to inform the court that:

4
5 "My client has often conveyed to me his difficulty
6 with the American legal system and the interpretation
7 of some of our laws..." ARRAIGNMENT, July 21, 2014, at p. 4, lns.
8 12-14.

9
10 Tomsheck and co-chair Peter S. Christiansen sub-
11 sequently filed a motion to Withdraw, after the Accused
12 filed a Motion to Dismiss Counsels for irreconcilable
13 differences, and for usurping his Speedy Trial right
14 by filing a Motion for a Writ of Habeas Corpus.

15
16 The third set of court-appointed attorneys
17 were Andrea Luem and co-chair Amanda Gregory. For
18 over a year, the Accused gained no progress, or agreement
19 that included consideration of the Accused's status in
20 an immune foreign "Church."

21 The Accused subsequently filed a Motion to
22 Dismiss said counsels, and a Motion to Proceed In Pro
23 Persona, simultaneously. After a competency hearing
24 passed, district court judge Togliatti "granted" the
25 Motions. However, unbeknownst to the Accused, Togliatti re-
26 appointed Amanda Gregory, the non-250 qualified "dismissed"
27 attorney, as the Accused's stand-by counsel of "choice."
28 To no avail, the Accused repeatedly objected to Gregory's

1. appointment by judge Togliatti, and her presence at
2. the court dates, especially since she was not even a
3. 250-qualified attorney. These objections were responded to,
4. by Togliatti's claim that she "thought" the Accused
5. "didn't want stand-by counsel" and that Gregory was
6. merely "stand-by for stand-by counsel." But the Motions
7. Togliatti "granted" clearly request new stand-by counsel
8. of choice.

9. Notwithstanding said objections to Gregory's
10. continued presence at court hearings, a Motion for a
11. Bill of Particulars was filed for the Accused ROBERT
12. BROWN, by Aziyl, a spiritual Corporation Sole. See
13. attached Motion. The Motion demanded that the State
14. clarify who the Actor is, in its Murder statute,
15. because its "definition" does not literally name one.
16. It only names the Victim as a "human being." District
17. attorney Richard Scow said the element of the Actor
18. is a "person," but moments later said that its a "human
19. being." The Accused objected that the D.A. was "con-
20. fusing" the elements, because a "human being" is "not
21. a legal fiction", but a "person" is. The D.A. then pointed
22. the Accused not to any part of the statute's definition
23. of murder which might support his claim that the
24. Actor is a "human being," but to a penalty section
25. of murder (ARS 200.030 (4)), which is a mere statement
26. that: "A person convicted of murder of the first degree
27. is guilty of a category A felony and shall be punished:"
28. Nevertheless, with the State's ambiguous

1 answer on record, and denial of said motion by judge
2 Tagliatti, the Accused set out to draft an extensive
3 motion based partially on the remark in the State's
4 OPPOSITION to said denied motion. On page 9, Lines
5 16-18 and 23-25 of its OPPOSITION, the State said:

6
7 "To the extent that Defendant is claiming that the
8 State must address him by his chosen name of "Yahshua
9 Ariyl Ha-kohen," the State is not in the business of
10 addressing defendants by other than their legal names.

11
12 Clearly, had Defendant intended his legal name
13 to be "Yahshua Ariyl Ha-kohen" Defendant should have
14 legally changed his name. Unless and until that happens,
15 the State will continue referring to Defendant by his
16 legal name."

17
18
19 The State plainly failed to comprehend the
20 position of the Accused, because nowhere does his
21 Motion claim that the State must address him by
22 his chosen name, of "Ariyl." The Accused merely
23 pointed out to the State that it will unavoidably
24 bring "Ariyl" into trial, because the State's critical
25 Voluntary Statements, of those that know the Accused,
26 know him exclusively or primarily by "Ariyl", his
27 corporate spiritual name, which cannot be used to
28 correct its inaccurate INFORMATION that nowhere names

1 "Ariyl," which is not a "juristic person," like "ROBERT
2 BROWN" is. Moreover, the State's remark, *supra*, is plainly
3 contrary to what a "legal name" is, within NRS 41.270-290.
4

5 AG Lexis 11 (1993) "There is no language contained
6 within NRS 41.270 through -290 making those provisions
7 the exclusive method for effecting name changes in
8 Nevada. Under the principles of common law a man
9 may change his name at will, by usage, and may
10 sue or be sued in any name by which he is known
11 and recognized. See *Emery v. Kipp*, 97 P.17, 19 (Cal. 1908)."
12

13 U.S. v. MCKAY, 2 F.2d. 257 (1924):

14 "Under the common law a man can change his
15 name at will, provided it is not done with a fraudulent
16 purpose; he may sue and be sued by such adopted
17 name, and will be bound by any contract into which
18 he enters in his adopted name. This is true in the
19 absence of a restrictive statute, and is not abrogated
20 by the fact that a procedure is provided by statute
21 for the change of one's name. 20 Standard Ency. 250;
22 *In re Mc Ulla* (D.C.) 189 Fed 250; *Linton v. Bank*, (c.c.)
23 10. Fed 894."
24

25 U.S. v. McCORMICK, 72 F.3d. 1404 (1995):

26 "... the common law allows a person to freely
27 change his name without legal processes..."
28

1 The fact that "Ariyl" is the known, lawfully changed
2 name of the Accused, by which he may be sued in, makes
3 it unduly burdensome to guess whether the Actor element
4 in Nevada's murder statute is the D.A.'s ambiguous
5 "person" or "human being." The Accused could not
6 possibly be expected to intelligently or adequately
7 prepare a defense under such circumstances.

8 For example: if the Actor element for Nevada's
9 murder statute is taken to be "a human being" (which
10 can never be an artificial "person"), then the Accused
11 could spend many months of gathering case law and
12 arguments to show that the State cannot prove
13 that element. Because ROBERT BROWN is a member
14 of a "State" (a lay aggregate Corporation), which is strictly
15 an artificial "person" who must likewise conform to
16 the strictly objective artificial "reasonable person"
17 standard of conduct. Put another way: the Accused
18 could argue that, because the State failed to formally
19 make "Ariyl" the subject of trial, while knowing he
20 is a professed "Parson" or "Minister" of an Ecclesiastical
21 Corp. Sole (each of which are strictly a "human being"
22 in contemplation of law), it failed to prove that element.
23 See attached ARGUMENT for proof that "Ariyl" is
24 an Ecclesiastical Corporation Sole, that is necessarily
25 in constructive judicial knowledge of the State.

26 The danger, therefore, in assuming the "human
27 being" element, lies in the fact that the Accused
28 could be SURPRISED by the D.A.'s claim that, although

1 "Ariyl" was unavoidably brought into trial, it was
2 the juristic "person" ROBERT BROWN that was the
3 subject of the State's case.

4 On the other hand, if the ambiguous Actor
5 element of murder is assumed to be the strictly
6 juristic "person" ROBERT BROWN, then the Accused
7 could spend months of preparation to argue that,
8 because "Ariyl" was unavoidably brought into trial
9 after the State erroneously refused to recognize and
10 sue the Accused in that legally changed name, it
11 necessarily follows that, the State did not "prove"
12 that "Ariyl" is a juristic "person." This is because
13 "Ariyl" is an Ecclesiastical Corporation Sole, which is
14 strictly a "human being," in contemplation of law.
15 But again, the Accused could be SURPRISED by the
16 D.A.'s claim that "Ariyl" was covered in the State's
17 case, because the term "person," in contemplation
18 of law, also means "human being."

19
20 After the Motion for a Bill of Particulars was
21 unjustly denied, the Accused set out to draft an
22 extensive Motion for a Writ of Prohibition, based
23 partially on the denied Motion. Just weeks later, however,
24 the Accused was rushed to a city hospital for an
25 emergency surgery. Upon return to the city jail, the
26 Accused was told by staff that it "lost" all of his
27 property, which included Discovery, dozens of law books,
28 thousands of pages of legal articles, said Motion draft

1 and notes, etc. Such a loss was irretrievable, monetarily,
2 and by attempt to recompile the same material through
3 random searches. The Accused immediately notified
4 judge Togliatti, who merely asked an officer in court
5 how the jail could "lose" his property; but that officer
6 did not know.

7 The Accused had, up until this point, done every-
8 thing to quickly end the State's case. Now, in pro
9 persona, the Accused was forced, against his will, to
10 give up another attempt to quickly end the States
11 case. With trial quickly approaching at that time,
12 the Accused sent a letter (attached) to judge
13 Togliatti detailing the reasons, which she was
14 aware of, for unwillingly relinquishing his in pro
15 persona status. This included another request that
16 Togliatti dismiss the formerly "dismissed" attorney
17 Amanda Gregory, and appoint new counsels.

18 Ivette Maningo and co-chair Patricia Palm
19 were then appointed. At this point, the Accused
20 believed he had an investigator and attorneys that
21 intended to help him. Shortly thereafter, however,
22 the Accused sent a letter of discontent, to Ivette
23 Maningo, primarily about Patricia Palm, who sub-
24 sequently left as co-chair. Ivette Maningo then
25 chose Abel Yanez as co-chair. Shortly after that,
26 the investigator Al Fuentes died.

27 Ultimately, the Accused filed a Motion to Dismiss
28 Counsels (attached) for their refusal to pursue his

1 choice of defense (not its strategy) which is his
2 sole right, and for their enmity against the Church, etc.
3 Attached to said Motion is a signed open confession of
4 Treason, which was not even addressed by the court.
5 And shortly after the denial of said Motion, the Accused
6 has refused all visits by the court-appointed
7 defense. The Accused had also informed the court,
8 in said Motion, that he also submitted a BAR complaint
9 against Maniogo and Yanez. At this point, it is clear
10 that the State and its court-appointed hostile attorneys
11 will force an Accused capital offender into trial with no
12 agreed upon defense, and with elements of guilt conceded
13 to by said counsels, etc. See attached letter to Abel Yanez
14 dated 1-9-2020.

15 It should also be known that said counsels have
16 refused to file Motions, at the request of the Accused,
17 about *de novo* matters, not having been addressed by
18 Nevada. In all proven "hypocrisy," and without even
19 knowing the specifics of the *de novo* matters, judge
20 Villani, in deny the Motion to Dismiss Counsels, stated
21 that counsels, "do not have to file" such Motions, because
22 those matters have already been addressed by the
23 court "many times." But see, issues in draft, Motion for a
24 Writ of Prohibition, or Mandamus (attached), previously in
25 the possession of counsels. In proving Villani's hypocrisy, the
26 Accused pointed out that he (Villani) had previously told
27 counsels to submit "stock motions" "soon," and that such
28 Motions, also, have already been addressed and "denied" by

1 the courts "many times" as well. And as such, he (Villani),
2 and counsels "know" that those Motions "will be denied,"
3 but are filed to preserve the issues. Villani's hypocrisy
4 was further pointed out by being told that he and
5 counsels "can't know" if a Motion about *de novo* issues
6 will even be denied; and yet, in his hypocrisy, Villani was
7 saying that counsels "don't have to" file them to like-
8 wise "preserve the issues" which is their duty. This is
9 clear judicial misconduct, for which this court ought
10 to demand that Villani recuse himself.

11
12 For the sake of brevity, the Accused reserves
13 further undisclosed matters for this court's request.

14 I will only add that, at the outset of Maningo's
15 appointment, the Accused clearly expressed his continued
16 aim that his case be resolved as soon as possible. Maningo
17 expressed that she could accomplish that aim in "six
18 months," but assured the Accused that she would do a
19 "good job" if she were given a year. Although hesitant,
20 the Accused agreed. However, about 6 months before his April
21 2020 trial date, Maningo informed the Accused that the Supreme
22 Court of Nevada, in a multi-defendant reversed case, ordered
23 her to handle that case, which was to begin about 2-3 months
24 before the trial date of the Accused and run past that date.
25 Thus, Maningo expressed that she "had to" postpone the trial
26 date, although the Accused expressed his discontent. It was
27 not until about 3 months before the trial date of the
28 Accused that Maningo asked for a 6 month continuance,

1 which was granted. This led to the Motion to Dismiss
2 Counsels. Maningo clearly betrayed the confidence and
3 belief that the Accused had, in her assurance of resolving
4 his case soon after her appointment. Such betrayal rose
5 to the level of incompetence, hypocrisy, and ultimately the
6 hostility that now remains, q.v. Maningo should have removed
7 herself as counsel, in light of the expressed aim of an
8 early resolution by the Accused. Maningo had approximately
9 6 months advance notice, which would have been ample
10 time for new counsel to assist co-chair Abel Yanez. It
11 would be utter hypocrisy on the part of Maningo if she
12 claimed that new counsel could not have been reasonably
13 expected to do so. This is because Maningo herself took
14 on the new multi-defendant 250-case within the same
15 6 months!

POINTS AND AUTHORITIES

SATOW'S, *Guide to Diplomatic Practice* 9 (5th Ed., 1979)

"It has been established for several centuries in customary international law that a sovereign or head of state, who comes within the territory of another sovereign is entitled to wide privileges and to ceremonial honors appropriate to his position and dignity, and to full immunity from the criminal, civil and administrative jurisdiction of the state which he is visiting." [footnote om.]

KALSCHER, *Civil Procedure and the Establishment Clause* (2008) (L.J.)

"The protection of the freedom of churches as 'sovereigns' not created by the state points to the existence of another sovereignty (the only true sovereignty) - that of God (or gods) - existing 'beyond, before, and superior to the state.' (quoting, MURRAY, *We Hold These Truths* (1960), at 67. *Emphasis original*).

Article 3, Section 2 of the UNITED STATES Constitution:

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction.

SOSA, *Customary International Law*, 120 Harv. L. Rev. 869, 922 (2007).

"Prior to Erie, and consistent with the view that [customary international law] was treated as nonfederal general

1 common law, federal and state courts alike applied the
2 [customary international law] of foreign sovereign
3 immunity on the domestic plane without authorization
4 from Congress or the Executive. [emphasis original]
5

6 UNITED STATES V. NORIEGA, 117 F.3d. 1206, 1212 (11th, 1997)

7 "The FISA addresses neither head-of-state immunity,
8 nor foreign sovereign immunity in the criminal context."
9 CF. SAMANTAR V. YOUSUF, 130 S.Ct. 2278, 2291 (2010).
10

11 4 BLACKSTONE, Comm, 83

12 (stating that a "foreign prince" is necessarily an
13 "enemy" of its King of England, since he "owes no allegiance"
14 to the other)
15

16 Yahweh and His Son are obviously "foreign" sovereigns
17 who owe no allegiance to any secular/profane king.
18

19 EXODUS 23.22

20 "But if you indeed obey His voice and do all that I
21 speak, then I will be an enemy to your enemies and an
22 adversary to your adversaries."
23

24 JAMES 4.4

25 Adulterers and adulteresses! Do you not know that
26 friendship with the [secular] world is enmity with God?
27 Whoever therefore wants to be a friend of the world makes
28 himself an enemy of God. [emphasis mine]

1 4 BLACKSTONE, Comm, §§ 68-69

2 (stating that, under the law of nations "safe-conducts"
3 or "passports" is expressly or impliedly granted to "the
4 subjects of a foreign power in time of mutual war; or,
5 committing acts of hostility against such as are in amity,
6 league, or truce" with it.

7
8 THE SCHOONER EXCHANGE, 11 U.S. (7 Cranch) 116 (1812)

9 (noting, there is a presumption that "the sovereign
10 cannot be considered as having imparted to the ordinary
11 tribunals a jurisdiction, which it would be a breach of
12 faith to exercise.")

13
14 BOSWELL'S LESSEE V. OTIS, 50 U.S. 336 (1850)

15 Courts enforcing your [municipal] statutes do not
16 act judicially but merely ministerally, having thus no
17 judicial immunity and unlike courts of law do not obtain
18 jurisdiction by service of process nor even arrest and
19 compelled appearance.

20
21 BIGELOW V. STEARNS, 19 Johns. 39, 40-41 (N.Y. Sup. Ct. 1821)

22 "To give any binding effect to a judgment, it is
23 essential that the Court should have jurisdiction of
24 the person, and of the subject matter."

25
26 MAITLAND, The Corporation Sole, 16 L.Q. Rev. 335 (1900)

27 (stating, "a church is no person" and "the ecclesiastical
28 corporation sole is no juristic person.")

1 McDANIEL v. PATY, 435 U.S. 618 (1975)

2 "... the church is a thing absolutely separate and
3 distinct from the commonwealth." (citing, 5 Works of John
4 Locke 21)

5
6 WEISS'S, Concise Trustee Handbook, 2nd Ed.

7 "Though all courts are familiar with in personam
8 (against persons), it is the action in rem (against things)
9 which though practiced only in Maritime Law, stealthily
10 operates in every civil and criminal court...

11 In rem jurisdiction over a man or woman can
12 only exist if the man or woman is a slave, i.e., property
13 or res (an object)... See THE ZONG (Gregory v. Gilbert), 99
14 E.R. 3:233 (K.B. 1783). In nature, in rem jurisdiction
15 is exercised over men and women by their Creator,
16 exclusively. Governments can therefore gain only a
17 fictional in rem jurisdiction over men by creating
18 various legal devices (personas) for those men to
19 assume limited control of (e.g., citizen, taxpayer,
20 driver, etc.) Since the device is legal fiction, a falsehood
21 made true by force of law, this persona is in fact
22 a legal object or res.

23
24
25 Although churches are "things," the remainder of
26 this document's ARGUMENT will prove that it is only
27 the modern religious corporation that the government is
28 able to reduce to a juristic "person," and hence gain its

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