

District Court of THE United States
In and for Oklahoma

FILED

JUL 05 2006

U.S. District Court
By _____
Deputy Clerk

United States of America)
Plaintiff)
V.)
Jimmy Clayton Chisum, sui juris)
Defendant)

Case 05 CR 043 WHT

Motion by affidavit for change of venue from the “mere territorial court” called United States District Court to the Article III judicial court, the District Court of the United States in and for Oklahoma.

AFFIIDAVIT OF Jimmy Clayton Chisum, sui juris

I, Jimmy Clayton Chisum, am a follower of the way. Jesus Christ is my only King and Almighty God is my only sovereign. I am allegiant and loyal to God’s law and the commands of King Jesus and adhere to man’s law whenever there is no conflict (Leviticus 18:3,4); (We ought to obey God rather than man; Acts 5); (all law is a blessing to those who do good). Pursuant to Matthew 5:33-37, and James 1:12 my yeas are yeas, my nays are nays, I lie not as confirmed by Federal Public Law 97-280, aka 96 Stat 1211. I have personal knowledge of the matters stated herein, and acknowledge the liabilities presented in **Briscoe v LaHue, 460 US 325.**

Statement of the law and facts

Jimmy Clayton Chisum has done the due diligence to personally research or verify each of the court decisional precedence, statutory mandates of congress, and constitutional citations contained herein to the maximum extend of my ability to be able to furnish this affidavit concerning the law and statements from precedent that necessarily embody the Rule of law for the court functioning honestly and in appropriate jurisdiction with reference to me. The full record is incorporated for necessity of consideration by this reference, for judicial economy, in order that all the law of the case

and subject matter may be brought to consideration that has previously been put on the record by Judicial Notices 1, 2, 3 and jurisdictional challenges to the denial of nature and cause as well as the frivolous and fraudulent way the Bill of Particulars was done.

MERE TERRITORIAL COURT

Albrecht v. U.S.

***Balzac v. People of Puerto Rico*, 258 U.S. 298 (1922)**

"The United States District Court is not a true United States Court, established under Article 3 of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under Article 4, 3, of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States. The resemblance of its jurisdiction to that of true United States courts, in offering an opportunity to nonresidents of resorting to a tribunal not subject to local influence, does not change its character as a mere territorial court."

***Basso v. UPL*, 495 F. 2d 906**

***Brook v. Yawkey*, 200 F. 2d 633**

***Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)**

***Mookini v. U.S.*, 303 U.S. 201 (1938)**

"The term 'District Courts of the United States' as used in the rules without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under Article 3 of the Constitution. Courts of the Territories are Legislative Courts, properly speaking, and are not district courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the district courts of the United States (98 U.S. 145) does not make it a 'District Court of the United States'.

"Not only did the promulgating order use the term District Courts of the United States in its historic and proper sense, but the omission of provision for the application of the rules the territorial court and other courts mentioned in the authorizing act clearly shows the limitation that was intended."

***McNutt v. General Motors*, 298 U.S. 178**

***New York v. United States*, 505 U.S. 144 (1992)**

I, the natural man, sui Juris en esse, have throughout this "Noerr-Pennington Doctrine" "Sham " process and procedure repeatedly requested Nature and Cause, continuously questioned and challenged the personal, Subject Matter and Territorial jurisdiction of the court to act in ways that at least appear to be completely repugnant to acts of congress in statute, regulation, code, and express limitations imposed by the United States Constitution, and decisional precedent of the United States Supreme

Court. The Elrod precedent says loss of first amendment right to petition for even a short time constitutes irreparable damage.

All challenges to jurisdiction have been met with discourtesy and disrespect by Ronald White acting in the capacity of legislative administrator of the "mere territorial court called United States District Court (USDC), Eastern District of Oklahoma(EDOK).

I have been repeatedly, prejudicially and intentionally damaged by the actions of this "mere territorial court and its legislative administrator in collusion, cooperation, or conspiracy with the plaintiff council and witnesses.

Challenge to all elements of jurisdiction was timely and properly made prior to arraignment. Notice and demand for nature and cause was also made in writing in advance and reiterated verbally during the sham arraignment procedure.

Magistrate West, acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK acknowledged and refused to address the question of jurisdiction or require any proof from the plaintiff. No decision of jurisdiction was entered on the record; no facts were put upon the record by the plaintiff. **THE RECORD IS VACANT OF ANY PROOF OF JURISDICTION, OR ANY DISCLOSURE OF THE NATURE AND CAUSE.**

Magistrate West, acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK acknowledged and refused to address the questions of God granted liberties and first amendment protections contained in the challenge to jurisdiction or require any proof from the plaintiff. No decision of jurisdiction was entered on the record. First amendment rights and protections were trampled; the Noerr-Pennington Doctrine of the Supreme Court calls this a sham process where its only result is to deny my due process, right to petition my government for redress of grievance, even the murder of innocent children in the womb. The Supreme Court speaks plainly in Elrod; the damage is instant and irreparable. Applying the Zedner

decision; there is no ambiguity in the decisional precedent or the simple language of the supreme Court leaving there no room for the inferior mere territorial court to interpret.

Elrod v. Burns, 427 U.S. 347; 6 S. Ct. 2673; 49 L. Ed. 2d (1976)

"Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."

Ableman v. Booth, 21 Howard 506 (1859)

"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."

Notice and demand for nature and cause was made prior to arraignment.

Magistrate West acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK refused to address the Nature and Cause and became angry and intimidating when questioned about nature or reminded of Supreme Court precedent. Magistrate West committed lawless violence against the constitution and my right to petition in violation of Constitution, Statute, Rule, and precedent.

Defendant has a constitutionally protected right to know the nature and cause of any action brought against him. That constitutional right can not be stolen, sold, rented, waived, compromised, abrogated or taken away by legislative trick or by boisterous display of prejudicial attitude. Defendant is Propria Persona to preserve jurisdictional challenge and the demand for nature and cause.

Under the Noerr-Pennington doctrine of the United States Supreme Court this whole display by Magistrate West is a sham proceeding and void on its face for doing irreparable damage to my constitutional rights, and violence against the constitution.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK summarily refused, on the record, to disclose the nature and cause, or to require the plaintiff to put any evidence on the record of

nature and cause. White promised to order substantiation of Nature and cause in the Bill of Particulars during September pretrial Tr Pg 19; but aided the plaintiff, practicing law from the bench, by not keeping his word in the order for Bill of particulars or enforcing his word in November pretrial. The record is vacant of any proof of jurisdiction, and Administrator White mere declared jurisdiction by force of guns and fraud absent any proof by the plaintiff; thus denying my right to proof of every element of the charge.

Law, Rule, Ethics and Precedent require that Jurisdiction be proven, by the plaintiff and decided by the court based upon the evidence furnished into the record once challenged. No proof of jurisdiction or affirmative statement of facts and conclusions has been entered into the record at any time during this proceeding. No affirmative or declaratory decision based on factual evidence, or statutory mandate of congress could have been made; because the record is vacant of proof. Fraud and corruption is my only explanation; or total ignorance and incompetence.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK has continuously and prejudicially aided the plaintiff by concealing the hidden "exclusive legislative jurisdiction" of the "mere territorial court" through which White is wrongfully trespassing upon the sovereignty of Oklahoma.

Rules of evidence require that the moving party substantiate the claimed jurisdiction by verified documentary evidence placed on the record by a competent fact witness, testifying under oath, under penalty of perjury and subject to cross-examination. Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK abrogated those rules to aid the prosecution. The record is vacant of evidence and law to establish jurisdiction for the mere territorial court or the legitimate judicial court

Statute, Constitution, Ethics and Rules require that the plaintiff prove every element of the case. Multiple Courts of Appeals precedent and advisory decisions show

that assessment and or an administrative deficiency to enforce a valid assessment is an essential element of the crime of tax evasion. In RE Collins 920 F2d 619 @ 631 states deficiency is essential.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK prejudicially aided the prosecution, practicing law from the bench by summarily refusing to require any proof of assessment or deficiency upon the record, compounded by calling precedent and statute frivolous. The record is vacant of evidence or proof of assessment or deficiency.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK summarily refused to instruct the jury that the plaintiff was required by law to prove the "essential Element" known as assessment or deficiency in the alleged crime of tax evasion.

Law and precedent make clear that there must first be a liability established in an assessment or deficiency for there to be imposed a penalty for evading a known duty.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK arbitrarily and capriciously with apparent forethought and planning abrogated the requirement for a liability statute imposing a known duty before law in his aid to plaintiff by practicing law from the bench.

No evidence appears on the record of any Assessment.

No evidence appears on the record of a liability statute.

No evidence appears on the record of what tax laid by congress was attempted to be evaded.

Constitution, Statute, rule and ethics requires that the lawyer acting for a moving party prove both the standing of the Moving Party before the court and the Attorney's right and authority to act for the plaintiff.

No evidence appears on the record of the existence of United States of America.

No evidence appears on the record of the capacity of UNITED STATES OF AMERICA to be an injured party. Absent an injured party, damaged by my failure to perform a known legal duty there is no cause of action. Administrator White, in cooperation, collusion, or conspiracy irreparably damaged my right to redress.

No evidence appears on the record of a factually sufficient indictment alleging a liability for any tax imposed by Constitution, Statute and Regulation in favor of United States of America against which the penalty of 26 USC 7201 may be imposed.

Under Noerr-Pennington doctrine of the Supreme Court this is a sham process.

No evidence appears on the record to establish any liability statute in favor of United States of America verifying that defendant is subject to and liable for the alleged income taxes owed by Brian and Mitzi Chadsey.

No evidence of any Constitutionally appropriate Statute, Regulation, or code imposing a tax liability upon the "common occupation" of Brian Chadsey. Pollack

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK ignored law, constitution and precedent to prejudicially excused plaintiff's burden of proof while calling my redress frivolous.

No evidence appears on the record that the USDC, EDOK has subject matter jurisdiction over any alleged acts of Brian Chadsey and Jimmy Chisum without the Federal zone United States and within the sovereign republic state called Oklahoma.

No evidence appears on the record that Internal Revenue Service, or any of the witnesses have delegated authority to act for United States of America without the federal zone and within the sovereign territory of Oklahoma. The Supreme Court in Bevens made it abundantly clear that the federal zone jurisdiction does not extend to within the states. The Supreme Court reaffirmed this rule of law in Utah Division of State lands v US, New York v US and Alden v Maine.

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No evidence appears on the record to establish that Internal Revenue Service has any function or relationship to United States of America; 26 USC does not do so in plain simple language men of common intellect can comprehend. Lanier, Zander

No evidence appears on the record to establish that United States of America ever appeared in the case to be confronted and cross examined as guaranteed by Constitution.

No evidence appears on the record to establish that any of the witnesses were competent fact witnesses to testify to verifiable facts to establish the jurisdiction, authority or injury of or for United States of America.

All seven United States Department of Treasury agent acting as fact witnesses testified that they were employed by United States Department of Treasury, and Internal Revenue Service; and none claimed in any way to be United States of America, or representing United States of America, or to being injured by me. US and USA are different; separate corporations or states foreign to each the other and to Oklahoma.

No evidence appears on the record to connect United States Department of Treasury, Internal revenue service to United States of America; 26 USC does not.

The United States Constitution creates United States as a limited delegated Government of three equal branches divided by separation of powers and prohibits one branch from trespassing on another branch; or upon the state. NY v US, 505 US 124

The United States Constitution does not delegate any power of taxation whatever to United States of America. Powers not expressly delegated in the specific limited language of the Constitution do not exist. NY v US, Caha v. US, 152 US 211, 214

The United States Constitution does not establish United States of America as any part of the general government created by and through the constitution or delegate

USA any law enforcement, taxing, judicial or police powers within the separate sovereign states. Powers not specifically and expressly delegated are reserved. NY v US

No statute, law or regulation appears on the record to substantiate that United States of America can be injured. Only living beings can be injured at law, or complain.

No law, statute, code or regulation appears on the record to establish that USA has any lawful standing before the Mere territorial court administered by White.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK abrogated all the law and requirements for the plaintiff to prove or establish standing before the court; an illegal act.

Chandler v. Judicial Council of the 10th Circuit, 398 U.S. 74, 90 S. Ct. 1648, 26 L. Ed. 2d 100

Justice Douglas, in his dissenting opinion at page 140 said, "If (federal judges) break the law, they can be prosecuted." Justice Black, in his dissenting opinion at page 141) said, "Judges, like other people, can be tried, convicted and punished for crimes... The judicial power shall extend to all cases, in law and equity, arising under this Constitution".

Ronald White, acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK, abrogated judicial requirements for proof of injury or the capacity of the plaintiff to complain about injury; an illegal act.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK abrogated all requirements of proof for authority to appear on behalf of USA by plaintiff alleged council; an illegal act.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK colluded or conspired with plaintiff's pretend council to deprive defendant of all judicial remedy and rights to evidence presented by competent fact witnesses, testifying on the record, under oath and subjected to cross examination of verifiable facts for which they possess first hand knowledge.

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The record is vacant of evidence, presented by a competent fact witness to prove on the record that the United States Attorney has a legal relationship to represent UNITED STATES OF AMERICA. No evidence appears on the record to establish standing for the AUSA called Gallant has any lawful standing to bring an accusation of injury to United States of America. NY v US, Bolzac, Mookini, Utah, Alden

Despite repeated challenges to jurisdiction no competent fact witness, testifying on the record, under oath, penalty of perjury, and subject to cross-examination has presented verifiable facts to establish the standing of United States of America, United States Attorney, or perpetrator Gallant.

No evidence appears on the record that the relationship between Jeffrey Gallant and USA has been lawfully established in that there has been no competent fact witness testifying under oath and subject to cross examination about the relationship.

All requests for nature and cause of the complaint and action were met with disrespect and ignored or directly refused by Ronald White acting in a legislative administrative capacity in the mere territorial court known as USDC, EDOK.

All motions relying on Constitutional limitations of authority were met with prideful prejudice and disrespectful attitude by Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK.

All citations of Supreme Court precedent in challenging Jurisdiction have been met with disrespect and prejudice by Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK.

All requests for finding of facts, and conclusions of law on which Ronald White relied in making his decisions to deny Motions challenging Jurisdiction were met with prejudice and disrespect by Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK.

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Defendant prepared and delivered to the court three detailed Judicial Notices which were received and accepted by the court. Judge White acting as an administrator in the "mere territorial court" ignored law, called the Supreme Court decisions Frivolous and aided plaintiff in covering up the need for proof on the record to establish jurisdiction and facts. Under Noerr-Pennington this can be no less than a sham procedure to defeat the due process rights and procedures the Article III judicial court would owe in carrying out its oath of office and constitutional duty.

The Supreme Court cited in Jdicial Notices says that silence can only be equated with fraud; the record is silent on liability, jurisdiction, standing, nature, and delegated authority. The silence can only mean fraud upon the court or by the court.

Ronald White, acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK, abrogated judicial requirements and ignored Rules of evidence by not presenting the content of the Judicial Notices to the Jury.

All acts of the "mere territorial court" performed outside the Federal Zone of territorial jurisdiction are sham proceedings and void upon their face for lack of jurisdiction and trespass upon the sovereignty of the separate equal state of Oklahoma.

Ronald White, EDOK, intentionally committed numerous illegal act; 18 USC 4.

CONCLUSION

The rules for the "mere territorial court" under exclusive legislative jurisdiction are secrets of the secular humanist religion (synagogues of satan) of stateism and are not made available to defendant; violating all constitutional requirements of the Supreme Court and their Noerr Pennington doctrine and in express religious discrimination against my free exercise of the protestant Christian faith of the Holy Bible with No sovereign but God and no King but Jesus. Public Law 97-280; 96 Stat 1211



The mere territorial court under exclusive legislative control is not authorized by constitution to function within the sovereign territory of the separate republic state known as Oklahoma.

All acts and actions by the mere territorial court outside the express territorial limitations cited in the United States Constitution at Article 1, Section 8, Clause 17; Article 4, Section 3, and 4 USC 72 are unconstitutional act and impose no duty upon defendant.

All law must be written and fully disclosed in language average people can understand or else that law imposes no duty on defendant. Connolly and Lanier cases; the Zedner case decided 6-5-06 leaves Article III judges no room for interpretation.

The mere territorial court operated by Perryman, White, West, Sperling, Gallant, Cecil, Pearce and others in collusion or conspiracy with Congress is a criminal, or terrorist enterprise stealing jurisdiction at the point of a gun, and through political or financial extortion upon the state, trespassing upon the sovereignty of Oklahoma, deprive Oklahoma of full sovereign statehood, impose foreign rule upon the people of Oklahoma and deprive me of due process of law and constitutional protection.

The District Court of the United States is the judicial inferior Court established under Article III of the United States Constitution with the authority to adjudicate federal felony crimes listed in the federal criminal code by lawful constitutional and statutory delegations of authority.

I have a constitutionally protected right to be tried by a jury of my peers in an article III judicial court and am not subject to the foreign corporate jurisdiction of the exclusive territorial authority of the legislature or the mere territorial court.

Ronald White acting in the capacity of a legislative administrator of the "mere territorial court" known as USDC, EDOK colluded or conspired with plaintiff pretend council to deprive defendant of all judicial remedy and rights to evidence presented by

competent fact witnesses, testifying on the record, under oath and subjected to cross examination of verifiable facts for which they possess first hand knowledge.

ONLY A MERE TERRITORIAL COURT OPERATING UNDER EXCLUSIVE LEGISLATIVE AUTHORITY OUTSIDE THE BOUNDS OF CONSTITUTION, STATUTE, CODE AND PRECEDENT COULD ACT IN SUCH TOTAL DISREGARD OF CONSTITUTION, STATUTE, REGULATION, ETHICS, RIGHTS, AND THE PRECEDENT GUIDELINES OF THE Supreme Court.

RELIEF SOUGHT

WHEREFORE: defendant moves this court for a change of venue to the lawfully established Article III inferior court of justice known as the District Court of the United States;

For full due process of law as protected by the constitution, enacted into statute, codified, and ratified by the consistent rulings of the United States Supreme Court;

Ruling to void all of the acts and actions of the mere territorial court acting within the sovereign territory of Oklahoma.;

Overrule abrogate and nullify each every and all actions of the West, Duncan and White for the Mere territorial court known as United States District Court, Eastern District of Oklahoma and of Arizona in this incident case;

For full due process in any District Court of the United States Grand Jury;

Sufficient sanctions to stop the abhorrent illegal behavior of the USDC, EDOK, and those pretending to impersonate judges, and officers of the court; and

Restoration of all rights and property belonging to Chadsey and Chisum that have been abrogated, damaged or infringed.

I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein; if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herewith reserve the right

to amend and amendments to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would contravene or overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt hereof provide me with your counter-affidavit, proving with particularity by stating all requisite actual evidentiary facts or conclusions of law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficient to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father YHWH, through the power and authority of the Holy Spirit sent by His son Jesus the Christ be done in earth as in Heaven. AMEN!

Reserving ALL Natural GOD-Given Unalienable Birthrights and Waiving None of the Liberties granted by Almighty God.

28 USC 1746

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Prepared and Signed on this 28th day of April in the year of our Lord and savior Jesus Christ Two thousand and six AD.



Jimmy C. Chisum, sui juris

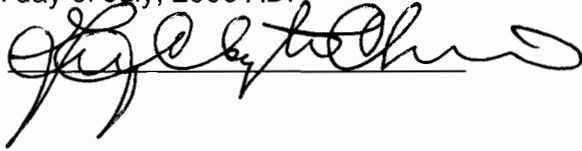
48412 N. Black Canyon Hwy. #356

New River, Arizona, 85087

CERTIFICATE OF SERVICE:

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I, Jimmy Clayton Chisum, hereby certify that I have served the plaintiff by hand delivery to Jeffrey Gallant, AUSA, 1200 W. Okmulgee St, Muskogee, Oklahoma, 74401 this 5th day of July, 2006 AD.

A handwritten signature in black ink, appearing to read "Jimmy Clayton Chisum", written over a horizontal line.

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