

FILED

DEC 13 2007

WILLIAM B. GUTHRIE
Clerk, U.S. District Court

By Deputy Clerk

United States District Court

USA

CROS-0043-RAW

v

Jimmy Chisom

To Assist the Court
and correct the record

Defendant is making this writing in order to attempt to be helpful to the court.

In the hearings on 11-15-07 and 11-27-07 some erroneous information was put in the record.

This is an effort to properly establish facts for assisting the court.

1. The court stated "lets not forget he was convicted of 39---" when in fact neither the indictment nor jury verdict contain any such number. Appointed assistance of counsel in continuing conflict of interest argued against defendant making or repeating that argument. Sadly defendant yielded to that pro government prejudice by counsel in conflict of interest (Cuyler v Sullivan 466 US 335, 350).

2. The 39--- figure was created after trial in coordination with chadsey and represents tax, interest, and penalty for the 2000-1040. The government forgone all tax dollars to Chadsey on 1997, 1998, 1999 as conditions of the plea.

3. Defendant was in fact accused of no dollars in the indictment and the 39-42,000 number appeared only as a calculated Estimate by summary Expert witness, was not an assessment or deficiency, required as an essential element in Collins 972 F2d 619, 631.

4. The dollar amount of Count 1 remains zero, the guideline 6, and the sentence 0-6 mos

5. The dollar amount of count 2 remains zero, the guideline 6, and the sentence 0-6 mos

6. The dollar amount of Count 3 remains zero, the guideline 6 and the sentence 0-6 mos

7. The dollar amount of Count 4 remains zero, the guideline 6 and the sentence 0-6 mos

B. The enhancements by Probation in direct servitude to government dictates are all prohibited under 6th Amendment and Supreme Court case decisions, "Any fact that can expose a defendant to a higher sentence must be alleged in the indictment and proven before the jury."

9. Count 4 is the only Count where any alleged loss or exposure could be presented by the IRS because plea eliminated all the other years.

10. If the 39,000 were distributed to the 4 years by the "summary Expert" the maximum possible for any one year would be under 12,500 and yield 10 points as the appropriate guideline range

11. The net effect of the sentencing method applied is to take the cumulative total from 1993 or earlier to and including 2005, years for in excess of the indictment and verdict, and double jeopardy by applying all the subtotals to each count.

12. The aggregate total for 1997 could not possibly exceed 1 Million.

13. The aggregate total for 1998 could not possibly exceed 1 million.

14. The aggregate total for 1999 could not possibly exceed 1 million.

15. The aggregate total for 2000 could not possibly exceed 1 million.

16. Years prior to the year of indictment are and should be excluded by 10 year collection statute of limitation.

17. Using large aggregate total repeatedly is a classic double jeopardy trick to increase the sentence.

18. Individual year aggregates would yield 20 points for guideline range if not violative of 6th Amendment and Apprendi "every fact".

19. There is no statutory or guideline justification for consecutive sentences.

20. The court may also be aided by the 9th circuit decision in *US v Perlaza*, No 02-50084 decided 3/14/2006 reversing convictions of 10 people. "We

reverse the conviction of all 10 Defendants... and direct the district Court to dismiss the indictment because the district court erroneously exercised jurisdiction over them without first requiring the Government to allege in the indictment and prove to a jury beyond a reasonable doubt certain facts to establish jurisdiction! The exact same error of this honorable court, long after Collins.

"The Government did not produce any "evidence of nexus at all" just as this court failed to require.

"District court erred when it concluded that it had jurisdiction over the defendants" just like this honorable court.

While it may be the purpose of the Court to get Supreme Court clarification by difference among the circuits it seems unnecessary to keep defendant in jail while the issue is litigated. Defendant will gladly plead Petrago against Collins in the Supreme Court but a level playing field and judicial fairness would certainly make that easier from home than prison.

"Due process requires the Government to demonstrate that there exists "a sufficient nexus between the conduct condemned and the United States" such that the application of Statute would not be arbitrary or fundamentally unfair to defendant.

21. No nexus was alleged or proven for United States of America, the Republic of 50 States and DC and only United States central government appeared on the record.

22. No nexus between USA and US Atty was proven on the record.

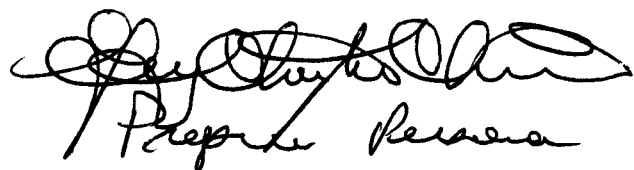
Wherefore defendant hopes that truth of the record is helpful to the Court in finding a just method. All the law applies to All branches of Government and all must be held to the law.

23. There are not 235 different federal jurisdictions but only one led by one Supreme Court and many inferior courts.

24. The law as applied by 9th Ckt must be given full credit until or unless overturned by the Supreme Court. The Government did not file for Certiorary.

Wherefore defendant moves the court to act justly by constitutional standards and ethical practice

Prepared and signed this 11th day of December
AD 2007


Jeffrey R. Rivera