

Original

FILED

APR - 9 2012
WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By Deputy Clerk

United States District Court
Eastern District of Oklahoma

United States of America)	
Entity plaintiff)	Case no. CR 05-0043-RAW
)	
v)	Petition for Extraordinary
)	Writ of Error <i>Coram Nobis</i>
Jimmy Clayton Chisum)	by Affidavit
Unrepresented petitioner)	
)	
_____)	

Comes now, Jimmy Clayton Chisum, *in propria persona (prose)* to petition this court for the extraordinary writ of *Coram Nobis* in order to offer to the court the opportunity to repent of its own error and correct its own judicial failure.

Petitioner is a mature man of good conscience before God and the Rule of Law, endowed by the Creator with certain unalienable rights and competent to give testimony in this matter. Affiant declares by first hand knowledge and personal experience in the case. The added opinions are sincerely held beliefs of facts and law.

The extraordinary writ is used only in special or extraordinary circumstances; and these are among the most extraordinary of circumstances.

All other processes for relief and justice are exhausted.

At the Common law of Conscience men are called to be true to God and law, for all law comes from the will and word of God. Blackstone wrote; "if it is not God's law, it is no law at all". Lies are no law at all. No matter how often or sincerely lies are told by plaintiff or court they never become truth but do breach every oath of office "so help me God". God helps only those who tell and advocate truth and justice in all they do. Scripture calls us to turn from and rebuke all evil, especially the desires of our heart in pride and prejudice that condemns others unjustly; in this writ petitioner calls the court to turn back to justice and honor.

American Common Law, just another name for *starre decisis* or *res judicata* is the consistent rulings of the Supreme Court. All Article III judges are bound by both common laws before God and precedents. The court declared itself Article III on the record before God.

Statement of Cause

This Petitioner was before this court for Arraignment on August 23, 2005, and through the arbitrary excess of authority, sentenced November 27, 2007 to 66 months. The incarceration portion of the sentence has been served and the probation portion is currently ongoing. Live, continuous, ongoing, damage to life, liberty, and the pursuit of happiness, the basis for all government in America, guaranteed to all men by God himself, continues today.

EXTRAORDINARY CIRCUMSTANCE 1

The Supreme Court of the United States did, on June 6, 2011, in the case of *Bond v US* No. 09-1227, 564 U.S. publish its decision stating that all defendants have the right to challenge federal jurisdiction in their cases. That honorable court's decision makes it a plain and unambiguous fact that this inferior court did grievously err by ruling that all of the defendant's (petitioner's) challenges to jurisdiction were "frivolous and foreclosed" based on a purely erroneous interpretation of *Collins* 922 F2d 972, 1990; 10th Cir. Unlike *Pro Hoc Vici* Dickstein, in *Collins*, defendant did not make any unsupported motions; all were fully supported by the clear and unambiguous language of the Supreme Court and acts of Congress. *Collins* only ruling was that defendant was not denied an effective defense by Dickstein's removal. In its *Bond* decision The US Supreme Court cites the very same post *Collins* cases as did the petitioner from pre-arraignment to post-conviction to properly and timely challenge the federal jurisdiction. *NY v US*, 505 US 144, 1992 and *Gregory v Ashcroft*, 501 US 452, 1991, are obviously holding precedents this court is and was required to follow, yet these *res judicata* decisions were ruled to

be “frivolous and foreclosed” on multiple occasions; denying defendant’s due process right protected by the Constitution and Rule of law. This denial of due process is egregious error and must be corrected. It is not the petitioner but Mr. Chief Justice Marshall that called this kind of arbitrary judicial excess “treason against the constitution” (his language). Like *Gregory, NY, and* many other cited decisions cited in Motions and Judicial Notices, *Bond* has plain and unambiguous language that is not subject to local interpretation as explained carefully in federalist 12 and the *starre decisis* on interpretation; “where the language is unambiguous the court must presume that Congress says in statute what it means and means what it says” and follows closely to *starre decisis* “the decisions of this (US Supreme) court are binding upon all inferior courts until overturned or changed by this court”. **Exhibit A**

From the Holy Bible, we see God’s history of justice in the book of “Judges”, from the Old Testament, where one honorable judge changed a whole generation by eliminating corruption and also Jesus’ rebuke of the lawyers, experts of law, in Matt 23 and in Luke 11: 46-52, from the New Testament. Please repent quickly; return to truth and justice.

It is worthy of note that the lawful Congress assembled did on numerous occasions pre and post *Collins* pass simple unambiguous statutes, codified into law, specifically enabling all citizens to challenge federal and United States Authority personally: Privacy Act 1974, Paperwork Reduction Act, 1981, Taxpayer Bill of Rights; and post *Collins*, Paperwork Reduction Act, 1995, Taxpayer Bill of Rights II, 1996, Restructuring and Reform Act, 1998, Administrative Procedures Act, 5 USC 552 et seq, amended to expressly include IRS and the Overzealous collections Acts codified in 26 USC 7333, et seq. During the 1997 Senate hearings the General Accounting Office testified orally and on paper, about the first IRS audit, declaring on the congressional record that the books and records of IRS were beyond repair and could not

verify any tax had been lawfully assessed. All these Rule of Law items were furnished to the court in Judicial Notices and in Motions but ruled “frivolous in my court”. These repeated rulings err by impersonating the authority of Congress. *Gregory v Ashcroft*, 1991, *NY v US*, 1992, *US v Lopez*, 514 US 549, 1995, *US V Lanier*, 520 US 259, 1997, *Alden v Maine*, 1999, and *FMC v SCSPA*, 535 US 743, 2002 that all lead up to *Bond*, 2011 were cited and quoted to the court in Motions and Judicial notices; all were ruled frivolous on numerous occasions.

Specific Violations of due process:

1. The demand for Nature and Cause (DN ~~3~~⁵) filed prior to Arraignment and asserted ~~Ex 5~~ verbally at arraignment and in pretrial conferences (9-22-05 TR) was nothing less than the demand for the specific liability statute, particular circumstance or factual basis to establish a federal crime within the sovereign territory of the state of Oklahoma. The request was ignored by the court in Arraignment (denial of Due Process), ruled frivolous in pretrial (9-22 pg 13) and plaintiff failed to provide proof even in the bill of particulars (11-17) as directed by the court (9-22-05 Tr Pg.20). The burden of proof was forgiven and covered up by the court, “I don’t remember” (10-17 Tr), and is both constructive and procedural denial of due process; one individual right that is and was the court’s “constitutional mandate” to protect (*Miranda*, 16 L ED 2d 694, 1965) from arbitrary governmental actions like home invasions.

The trial court endorsed or covered up the denial of due process by the magistrate under its supervision on 9-22-05 when it ruled defense motions frivolous; transcript.

There are no unique elements or facts upon the record to create jurisdiction for a federal crime; *Bond*. The entire record of law, statute, decision and facts on jurisdiction (the only thing court can lawfully consider) is the defendant attempting to get the court to honor the rule of law in limitations of federal authority within the states and upon the person of the defendant.

Defendant suffers no conventional disability; everything the defendant uttered, and wrote must be considered. The court imposed “only my opinion counts” over the acts of congress to err in wrongfully impersonating the authority of Congress by legislating from the bench, and enforcing local “my” interpretation over the clear and unambiguous language of Supreme Court’s precedents in want or excess of authority; Chief Justice Marshall in *Cohen v Virginia*, 6 Wheat 324 cited in *US v Will*, 449 US 190, FN 19, 1980; treason against the Constitution.

The inferior court treated Congress and the Supreme Court with equal disdain in ruling the acts of congress and *res judicata* in their unambiguous wording “frivolous”, inventing tax requirements and expansionist jurisdiction that were never constitutional or statutory. The trial court destroyed the defendant’s rights to Due Process and redress of grievance, thereby wrongfully influencing the jury to convict an innocent man.

The Supreme Court starre decisis clearly and unambiguously states that the courts must rely on the language of Congress where the language is unambiguous and look only to the congressional record when language is confusing. The trial court called both assertions “frivolous in my court”; “only my interpretations count”.

United States Internal Revenue Code, without plain English REGULATION fails the test of *Bond*, supra, and proscribes no unique law or circumstance. “Internal” means internal to the territorial and jurisdictional limitations of the United States upon land ceded by the states; and recorded as revenue districts. Defendant provided documented evidence that there was no cession by the state of Oklahoma of the territorial jurisdiction within the city of McAlister. Not one item of specific, special, statutory provision, or appropriate regulation was cited and not one word of testimony given, to establish jurisdiction. *Bond, and Miranda* make it plain; the trial court had a constitutional responsibility to protect defendant from arbitrary invasion by the

plaintiff (a foreign corporation with respect to the sovereign territory of the states, *NY*, supra).

The court erred to rule “I am convinced I have jurisdiction” in complete want of evidence and in want or excess of authority, inserted itself as prosecutor and a prosecution witness.

Petitioner recalls Mr. Chief Justice Rhenquist explaining that the purpose of the black robe was to symbolize a blank slate stating that the court must consider nothing of its own knowledge and prejudice, but rely wholly upon the law and facts presented by the parties. The trial court wholly rejected law and facts, as it called *res judicata* and statutes “frivolous and foreclosed in my court” and relied solely upon personal opinion without substance.

None of the acts alleged in the indictment or presented in the trial processes were alleged or proven to have been committed on land belonging to the United States and subject to that territorial jurisdiction. Plaintiff witness, Skagg, testified to invading private property in McAlister, and made no claim of lawful authority (8 armed agents can not create jurisdiction but holding a man’s wife at gunpoint for 10 hours is very persuasive for arbitrary excess).

No allegation, statute, regulation or evidence was put on the record for interstate commerce to create a nexus to property or persons (due process; notice).

No law written in plain English that jury members could understand and apply without disagreement was presented to impose a known duty upon defendant; no plain English regulations to carry into effect that non existent law for a nexus to personal jurisdiction appears on the record.

The inferior court ruled 200 plus years of Supreme Court precedent “frivolous and foreclosed in my court” and fraudulently allowed this case to exist without the “United States”, without Constitutional Authority, without statute, without regulation or any proof of authority. The plaintiff refused every opportunity to furnish proof of authority or jurisdiction.

2. The Motion to quash or dismiss for lack of jurisdiction (DN ⁶~~5~~) filed prior to arraignment Ex 5 directly quoted and correctly asserted the laws passed by congress but were called “frivolous in my court”. Just one excerpt is sufficient to call for repentance from error. The defendant correctly argued that the US internal revenue laws, by act of Congress, required “revenue districts” to be established within the states in order to satisfy the jurisdictional requirement. Congress was called “frivolous” without Constitutional or Statutory authority and clearly against the Rule of Law established through 200+ years of Constitution, Statute, Regulation and Supreme Court precedent.

Extraordinary Circumstance 2

The 10th Circuit in *Springer*, 11-5018, 2011, ruled that “District Directors and Internal Revenue Districts no longer exist”. This simple fact means that defendant was correct in his first motion to dismiss for lack of jurisdiction that challenged the overbroad arbitrary application of the US Code beyond the limitations of Congress’ Constitutional taxing authority or any statute; *US v Hill*, 123 US 681, 1882; “a specific statute directly traceable to Congress authority to tax in Article I”. Where “revenue districts no longer exist”, the law does not apply and petitioner is wholly innocent. General provisions 1 and 61 are not specific liability statutes.

In the process of this case over 65 Supreme Court decisions [Exhibit A] were ruled “frivolous and foreclosed” by an inferior court that has no such Constitutional power or statutory authority. The *Bond* decision makes it unambiguous that the court is plainly and simply in error. God, Constitution, statute and ethical standards demand a high quality loyalty to truth and law.

The *coram nobis* is the court’s opportunity to repent of its own error and correct the wrong. Standby Counsel, Stephen Knorr, informed defendant in the first conversation that law and precedent meant nothing in EDOK, and that EDOK was governed by local interpretations

only (verifying his inadequacy as counsel). Knorr served as a sold out puppet of local interpretation in destroying defendant's appeal because he was afraid of not getting called to serve as defense counsel (extortion). Knorr's hybrid Appeal brief agreed with the erroneous "frivolous" rulings of the inferior trial court. Knorr's brief was so inadequate and wrong that it misled the 10th Circuit to rule that jurisdiction can not be first challenged at sentencing.

There is no constitutional or statutory authority for local interpretations that call existing binding precedents of the Supreme Court "frivolous and foreclosed" and *Bond supra* makes this error that denied due process unavoidably clear. The defendant properly and timely challenged the jurisdiction and was correct in his challenge, *Springer, Gregory, NY, Bond, etc.*

It is plainly denial of due process for the court to forgive the plaintiff from proving elements of jurisdiction when challenged; and the 10th Circuit proves this was done through arbitrary "impersonation of authority" never delegated to plaintiff (no revenue districts). The court became a managing partner and co-conspirator in the "impersonation of authority" and unduly influenced the jury. There are no revenue districts; the whole district concept disappeared before the indictment and as stated by defendant in repeated motions to dismiss never were properly executed at any time pertinent to this case by court, Congress, President or Secretary. Defendant provided the record to prove that the Plaintiff had failed and refused to declare revenue districts at least since 1983; and asserted RRA98 as the act of congress that deleted the language and reference to district directors. In the same year, 1998, Congress passed the plain English statute demanding all regulations be written in plain English that the people (jury) could understand and apply without confusion; *Lanier* 520 US 259, 1997. In *Mersky*, 361 US 431, 1960, and *California Bankers Ass'n v Schultz*, 416 US 21, 1974, the Supreme Court established governing precedent upon all inferior courts that a law without appropriate plain

English (added by Congress in agreement with *Lanier*, 1998) regulations imposes no duty. “Neither law nor regulation stand alone; one depends on the other”, *Mersky* and the record proves that no regulation was ever alleged for indictment, conviction, nor sentence. Whenever a government employee steps outside the legitimate delegation of authority he no longer represents government but acts on his own making himself liable for correction, even to suit under the overzealous collection statutes passed by Congress after RRA98, and Taxpayer bill of rights.

This court failed miserably in its “constitutional mandate” from Justice Brandice as quoted in *Miranda v Arizona*, 16 L ED 2d 694, 1965, to protect defendants from arbitrary abuse of authority never delegated to plaintiff and agents of IRS.

The indictment was false and defective and the court knew or should have known its own limitations of jurisdiction and authority. Supreme Court precedent demands that every judge continually check his own jurisdiction without motion from a party; however this trial court refused to admit any limitations until after the malicious prosecution through lies and perjury had wrongly imprisoned the innocent. Only at re-sentencing did the court humbly admit there are limitations; however no evidence of law or jurisdiction appears on the record as yet.

Intentional constitutional and statutory excess in want or excess of authority breach statute, oath, ethics standards and office. Petitioner calls to the court’s memory the facts and law that were erroneously ignored in Motions and Judicial Notices (DN 4,5,17,43,44,45,etc.).

Exhibit S

Extraordinary Circumstance 3

In re-sentencing November 27, 2007, the court, for the first time, acknowledged the truth that all federal courts are courts of limited jurisdiction but remained stubborn that all federal authority was beyond challenge. Multiple times in Motion (4, 5, 17, etc) and Judicial Notices (43, 44, 45) the defendant quoted the simple unambiguous language of both Congress

and the Supreme Court and all quotes from both were erroneously ruled to be “frivolous and foreclosed in my court”.

In truth, the court’s limitations of jurisdiction requires at least 4 missing elements; territorial ownership for the United States with cession by the state, Revenue districts for the application of statute in subject matter, income as defined in law by the Supreme Court and the publication of a duty upon defendant in clear and unambiguous language (plain English Regulations) that all members of a jury can understand and apply without difference or confusion to establish personal jurisdiction and satisfy Due Process requirements of the Constitution.

As repeatedly stated and argued by defendant, none of these four were satisfied by evidence on the record. Lies from attorneys, and perjury by plaintiff’s witnesses aided, approved and endorsed in the prejudice of the court to unduly influence the jury caused this case proceed to conviction. From the very first act this case was a fraud upon the Grand Jury and Court based on lies by attorneys and perjured testimony from plaintiff witness to the court and Grand Jury.

Extraordinary circumstance 4

Where there is no “income” there can be no “Income Tax” crime. The court erred in deciding that it’s authority was above that of the United States Supreme Court to call their unambiguous decisions “frivolous and foreclosed” on the issue of income. Where Congress writes in unambiguous language there is no room for interpretation. Congress has not defined the general term “income” in the code demonstrating Congressional agreement with and submission to the “only lawful definition for income in revenue acts pursuant to the 16th Amendment”. The Supreme Court carefully explained that this sole and only definition of income was necessary for the constitutionality of the 16th Amendment, as well as revenue acts after the 16th was ratified. The defendant gave the inferior court the lawful definition at least 4

times and that fully informed court called each one “frivolous in my court”. After a series of holding precedents was combined (1882-1920) by the Supreme Court in explaining to Congress how to have constitutional revenue acts; the Supreme Court in *Eisner v Macomber*, 252 US 189, 206, 1920, repeated the unambiguous legal definition for income in all statutes pursuant to the 16th Amendment. None of the money, mentioned in the case of *USA v Chisum*, met that “only lawful” definition. None of the plaintiff witnesses who testified had ever even read the only lawful definition of income. The Internal Revenue Manual places the same value on Supreme Court decisions as on Code. The inferior Court ruled that the ONLY legal definition of income given by the Supreme Court and respected for 85 years by the Congress was “frivolous in my court”. The defendant did argue in motions and Judicial Notices the merits of Supreme Court decisions as *res judicata*, and furthered the argument for the rule of law orally all through the process; however, on every occasion that source of definition and authority was ruled “frivolous and foreclosed”. *Sansone*, 1965 was ruled frivolous, but reaffirmed by the Supreme Court in *Boulware*, 2008; *Eisner*, 1920 was ruled frivolous but reaffirmed by the Supreme Court in *Cottage Savings*, 1992, *Atlantic Mutual*, 1998, and *Boulware*, 2008.

Knowing the only legal definition for income in revenue statutes contained in Motions, and Judicial Notices the court accepted and allowed perjured testimony from plaintiff’s agents who confessed to using unlawful definitions of income in their procedures for malicious prosecution and overzealous collections.

Directly opposite the law and precedent CID case agent Skaggs testified to her personal private law definition “everything that comes in” which directly violates statute and Supreme Court decision she had sworn to follow. This is perjury and impersonation of authority; lawfully she did not represent government but her own personal vendetta.

Wholly outside law and authority plaintiff witness, agent Cornelius testified to using a wrong definition in her activities to accumulate information since 1993, dating back to the seventies; and admitted to simply making up liability numbers used for sentencing.

The court in its own prejudice for the arbitrary exercise of powers never granted in Constitution, or statute protected the perjurers, covered up and joined the arbitrary impersonation of authority, and intentionally deceived the jury to cause conviction (income tax is not voluntary) (income is defined by code). Each agent witness, in Cross, confessed to breach of their oath and fraudulent definitions but was protected by the court in their arbitrary exercise of powers. This is a complete failure of the court's "constitutional mandate" to protect petitioner's rights.

The trial judge did legislate from the bench a false definition of income and a mandatory income tax never laid by congress to deceive the jury. The court's definition would have resulted in both the 16th amendment and the revenue act being ruled unconstitutional as an unapportioned direct tax upon the property called labor, *Eisner v Macomber*.

The trial court, in error, first ruled that the jury was mentally incompetent to know and understand the law and its application to defendant, then intentionally lied to that jury about the law and definition of income. *Eisner, Lanier*.

Extraordinary Circumstance 5

Every citizen has a right to honesty at all levels of government, and the Constitution requires oath before God of all judges, lawyers and agents to certify honesty and fidelity; "so help me God." God is not mocked nor is His hand shortened that he will not judge. God set the standard for honor and justice for judges; and that standard is applied through Constitution, Statute, precedent, ethics and oath. Judges and the courts are the guardians of the rights and liberties of the people against arbitrary or dishonest application of authority by any government

agent. In this particular case the court became a participant in the lies to extort penalties not imposed by law. *US v Lanier*, supra, previously called “frivolous and foreclosed” remains the *res judicata* this court swore, “So help me God”, fidelity to follow. The Supreme Court in *Lanier* stated that any law that is not written in clear language that the common people (jury) can understand and apply without disagreement “imposes no duty”. The court ruled the code involved in this case violates *res judicata* in its complexity so badly that the entire panel of jurors was incompetent to understand and apply the law. This meant truthfully that the tax law imposed no duty on Chadsey or Chisum. The court then substituted himself for the “frivolous” Congress and the “frivolous and foreclosed” Supreme Court to lie to the jury about the requirement for tax so as to extort the verdict of guilt from them.

Petitioner sincerely believes that the court willfully and intentionally conspired to wrongly influence the jury into convicting an innocent man. Rather than fulfill the “constitutional mandate” to protect the rights of defendant, the court lied to the jury to influence them to err in their verdict resulting in years of wrongful imprisonment and deprivation of rights for life without law, without the expressly limited federal jurisdiction and without legal cause.

Extraordinary Circumstance 6

Sincerely held beliefs are an appropriate cause for judgment of acquittal. The Court recognized and correctly ruled at re-sentencing, November 27, 2007, “there is no doubt that your (defendant’s) beliefs are sincere”. Now that Supreme Court precedent *US v Cheek*, 112 L Ed 2d 617 is no longer “frivolous and foreclosed” and precedents have been verified as binding upon this court it is mandatory that the court dismiss the indictment with prejudice.

The Supreme Court ruled *res judicata* that, “sincerely held beliefs, even if wrong, are a complete defense and mandates a verdict of acquittal”. In pretrial the inferior court ruled this

challenge “frivolous” along with the other 65 Supreme Court decisions [EX A] and STATUTES. Clearly this was error, and must be corrected. The court had no such authority over statute and Congress or over Supreme Court and precedents.

Summary; call for repentance

The extraordinary circumstances are plain and unambiguous. The court erred to wrongly convict an innocent man. NEW Inferior Appellate and Supreme Court decisions, *Springer and Bond*, make the error plain, and this Rule of LAW *coram novis* allows the court the opportunity to correct its own error.

Defendant right to challenge federal authority and Jurisdiction was guaranteed by Constitution and precedent but arbitrarily denied by trial court; denial of due process.

Where there is no cession and no revenue district there is no “internal” revenue code or law there can be no liability or known duty upon the defendant; no cause for the case.

Where there is no separate particular cause (specific law directly traceable) there is no federal jurisdiction within the sovereign territory on the several states.

Where there is no clear and unambiguous language in statute and plain English regulations there is no duty imposed and no violation of a known duty.

Where the Supreme Court has spoken in clear and unambiguous language there is no authority for inferior courts to rule otherwise or declare precedents frivolous.

These inferior court actions are denial of due process, any one of which totally destroying all illusion of expressly limited federal jurisdiction for the inferior federal court.

Jurisdiction never existed by rule of law for the territory, the subject matter, or over the defendant personally. The agent who testified before the grand jury to solicit the indictment was the same Skaggs who perjured herself in trial with a false, arbitrarily made up definition of

income that was never constitutional, statutory, nor approved in regulations from the secretary.

Her whole testimony before grand and petit juries is perjured, filled with lies, outside the law, arbitrarily impersonates authority and constitutes fraud upon the court and jury.

This case is simply and totally wrong from its inception and must not be allowed to stand as a continuing involuntary servitude to lies and fraud. Congress in RRA 98 declared that defendant rights are more important than the revenue. The court's determination to convict the innocent is opposite the law that created and empowers the court to exist and act.

Errors in denial of due process and arbitrary excess of authority plague this case record from beginning to end. Grand Jury was defrauded; Magistrate failed to require proof of Nature and Cause, denying due process; and trial court repeatedly ruled improperly denying due process over and over again.

From pre-trial to Allocution defendant believed the court was ordained of God, and Law for justice and truth; however as expressed in allocution the court erroneously chose another path against God, law, office and oath.

Petitioner again chooses to believe the judge is the right judge at the right time for justice and honor and calls for honor and truth. Repentance to be just and right before God and law is why Grace abounds and is prayed for in this matter.

Affiant is not expert in law, but at least of common intellect to comprehend and apply simple, unambiguous, plain English laws, precedent and regulation. The very brief excerpts herein are sincerely believed or personally witnessed and are related for the record in good conscience before God and law.

In clear conscience this brief excerpt is submitted for the record and Writ.


Jimmy Clayton Chisum, en esse

RELIEF SOUGHT

Wherefore defendant/petitioner moves this court for the extraordinary writ of error *coram nobis*:

1. Grant the writ and do justice; (quickly repent before God and law)
2. Dismiss the indictment with prejudice;
3. Correct the record to expunge all damages to liberty; Restore petitioner to his liberty and honor demanding that the plaintiff publish his innocence with the same vigor as the indictment and conviction were published;
4. Sanction plaintiff sufficient to alter the behavior; Order termination of employment and all benefits to every agent, and attorney that participated in the lies and fraud; Sanction participating attorneys appropriate to the fraud and lies put before the court; (protect the public)(Dixon v CIR, 9th Cir, 2003)
5. Restore to all those lied about in sentencing their property stolen through the lies;
6. Dismiss, discharge and remove all liens and claims of tax wrongly claimed to be owed by petitioner under Internal Revenue Acts; and
7. Such other sanctions or awards for damage as the court deems appropriate for the malicious prosecution and wrongful imprisonment.

Respectfully submitted this 5th day of April, 2012, A.D.



Jimmy Clayton Chisum, sui juris
Propria persona petitioner
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Original

Certificate of service:

A courtesy copy of the Petition for Writ of error Corum Novis has been mailed to the last known address for plaintiff counsel by first class mail, postage paid and addressed to US Attorney, 1200 Okmulgee St., Muskogee, Oklahoma, 74401.

5 April, 2012


Jimmy Clayton Chisum, innocent man

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PRECEDENT RULED FRIVOLOUS AND FORECLOSED

PARTIAL LIST

(Supreme Court Cases Ruled Frivolous and Foreclosed By District Court)

1. US V HILL, 123 U.S. 681
2. U.S. V NEW YORK, 505 US 124
3. GREGORY V ASHCROFT, 501 US 452
4. CAHA V US, 152 US 211
5. HAGEN V LEVINE, 415 US 528
6. STATE OF MAIN V THIBOUTOUT, 448 US 1
7. RESCUE ARMY V MUNICIPALE COURTS OF LOS ANGELES, 331 US 549
8. STATE OF R.I. V C.W. OF MASSACHUSETTS, 37 US 637
9. US V WILL, 449 US 200
10. CONNOLLY V GENERAL CONSTRUCTION, 269 US 385
11. US V BEVANS, 16 US 336
12. DOWNES V BIDWELL, 182 US 244
13. HALE V HENKLE, 201 US 43
14. US V BOYD, 116 US 616
15. BAILEY V DREXEL FURNITURE CO., 259 US 20
16. RR RETIREMENT BD. V ALTON RR CO., 259 US 330
17. HOOVEN V ALLISON, 334 US 652
18. US V LOPEZ, 515 US 549

Exhibit A

- 1 19. FMC V SC STATE PORTS AUTHORITY, 535 US 743
- 2 20. SANSONE V US, 380 US 343
- 3 21. LAWN V US 355 US 339
- 4 22. BILLINGS V US, 232 US 261
- 5 23. US V MERRIAM, 263 US 179
- 6 24. GOULD V GOULD, 245 US 151
- 7 25. US V CALAMARO, 354 US 351
- 8 26. KOSLAND V HALVERING, 298 US 441
- 9 27. COMMISSIONER V GLENSHAW, 348 US 426
- 10 28. TYRE REALTY V ANDERSON, 240 US 115
- 11 29. MCCULLOCH V MARYLAND, 17 US 316
- 12 30. HYLTON V US, 3 US 171
- 13 31. HILL V WALLACE, 259 US 44
- 14 32. BURNS NAT'L BANK V DUNCAN, 265 US 17
- 15 33. RR CO. V COLLECTOR 100 US 595
- 16 34. PECK V LOWE, 247 US 165
- 17 35. BUTCHERS UNION V CRESCENT CITY, 111
- 18 36. PICK WO V HOPKINS, 118 US 356
- 19 38. TRUAX V RAICH, 239 US 33
- 20 39. BAIBER V CONNOLLY, 113 US 27
- 21 40. COPPAGE V KANSAS, 236 US 1
- 22 41. ADAMS V TANNER, 244 US 590
- 23 42. MEYERS V NEBRASKA, 262 US 390

- 1 43. MASSACHUSETTS BOARD V MARGIA, 427 US 307
- 2 44. MURDOCK V PENNSYLVANIA, 319 US 105
- 3 45. JONES V OPELIKA, 316 US 584
- 4 46. HARPER V VA. BD. OF ELECTIONS, 383 US 663
- 5 47. PHILADELPHIA & S.MAIL V PENNSYLVANIA, 122 US 326
- 6 48. MAINE V GRAND TRUNK RR, 142 US 217
- 7 49. US V LEE, 106 US 196
- 8 50. KNOWLTOWN V MOORE, 178 US 41
- 9 51. POLLACK V FARMERS LOAN AND TRUST, 157 US 429
- 10 52. TRUAX V CORRIGAN, 257 US 312
- 11 53. TYLER V US, 281 US 497
- 12 54. STRATON'S INDEPENDENT V HOWBERT, 231 US 399
- 13 55. FLINT V STONE TRACY, 220 US 107
- 14 56. BRUSCHABER V UNION PACIFIC, 240 US 1
- 15 57. MERCHANT'S LOAN V SIMENTANKA, 225 US 509
- 16 58. US V WHITRIDGE, 231 US 144
- 17 59. EVANS V GORE, 253 US 245
- 18 60. BOWERS V KERBAUGH-EMPIRE, 271 US 170
- 19 61. DOYLE V MITCHELL BROS., 247 US 179
- 20 62. FLORA V US, 362 US 145
- 21 63. STANTON V BALTIC MINING, 240 US 103
- 22 64. TAFT V BOWERS, 278 US 470
- 23 65. PECK V LOWE, 247 US 165

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- 66. EISNER V MACOMBER, 252 US 189
- 67. SOUTHERN PACIFIC V LOWE, 247 US 330
- 68. CONNOLLY V GENERAL CONSTRUCTION, 269 US 385
- 69. US V MERSKY, 361 US 431
- 70. CALIFORNIA BANKERS ASS'N V SCHULZ, 416 US 21
- 71. CHRYSLER V BROWN, 441 US 281
- 72. FEDERAL CROP INS. V MERRILL, 332 US 380
- 73. UTAH DIVISION OF STATE LANDS V US, 82 US 193
- 74. US V SMITH, 124 US 525
- 75. UTAH POWER AND LIGHT V US, 243 US 399
- 76. BOTANY WORSTED MILLS V US, 278 US 282
- 77. FEDERAL TRADE COMMISSION V RALADAM, 283 US 643
- 78. STARK V WICKARD, 321 US 288
- 79. LARSON V DOMESTIC & FOREIGN COMMERCE, 337 US 682
- 80. YOUNGTOWN STEEL V SAWYER, 343 US 682
- 81. PETERS V HOBBY, 349 US 331
- 82. US V PROVIDENCE JOURNAL, 485 US 693
- 83. REGENTS OF UNIV. GA. V CARROLL, 338 US 586
- 84. FTC V NATIONAL LEAD, 352 US 419
- 85. US V LOPEZ, 514 US 549
- 86. US V LANIER, 520 US 259

1 IN ADDITION TO THESE SUPREME COURT CITATIONS WERE OVER 40
2 APPELLATE CITATIONS, AND DOZENS OF CITATIONS OF SPECIFIC CODE
3 PROVISIONS AND CONSTITUTION ARTICLES, AND THE AMENDMENTS.

4
5 ALL THIS WAS DECLARED FRIVOLOUS AND FORECLOSED BY TRIAL COURT
6 WITHOUT CITING A SINGLE CONSTITUTIONAL, STATUTORY, OR SUPREME
7 COURT CASE TO JUSTIFY HIS POSITION.
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None

Complaints

None

Disposition**Interested Party****Donna Chisum**

TERMINATED: 07/12/2006

represented by **Donna Chisum**

48412 N. Black Canyon Highway 356

New River, AZ 85087

(623) 465-5068

PRO SE

Plaintiff**United States of America**represented by **Jeffrey A. Gallant**

U.S. Attorney (EDOK)

1200 W. Okmulgee

Muskogee, OK 74401

(918) 684-5100

Email: Jeff.Gallant@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/14/2005	1	SEALED INDICTMENT by USA Counts filed against Jimmy C. Chisum (1) count(s) 1-4 (seal) Modified on 09/22/2005 (Entered: 04/15/2005)
04/14/2005		ORDER by Mag. Judge Kimberly E. West sealing case (seal) (Entered: 04/15/2005)
04/14/2005		ORDER by Mag. Judge Kimberly E. West for issuance of criminal warrant (seal) (Entered: 04/15/2005)
04/14/2005		ARREST Warrant issued for Jimmy C. Chisum by Mag. Judge Kimberly E. West (seal) (Entered: 04/15/2005)
08/15/2005	2	ARREST Warrant returned executed as to defendant Jimmy C. Chisum ; defendant arrested on 8/12/05 (seal) (Entered: 08/15/2005)
08/16/2005		NOTICE: SETTING arraignment on 8/23/05 at 3:00 p.m. for Jimmy C. Chisum before Judge Kimberly E. West at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (seal) (Entered: 08/16/2005)
08/16/2005		As of 10/4/05, we have not been able to get the original Rule 40 documents from Arizona; in both telephone calls and emails, we have been told they were either being placed in mail or have already been mailed. Faxed copies which were received on 8/16/05 were entered on the docket on 10/4/05. (nrh, Deputy Clerk) (Entered: 10/04/2005)
08/16/2005		Docket Modification (Utility) placing defendant in location release on this date, pursuant to Order Setting Conditions of Release from Arizona filed on this date in AZ, and received in EDOK on 10/6/05. (nrh, Deputy Clerk) (Entered: 10/11/2005)

08/17/2005	3	APPLICATION to Unseal Indictment by plaintiff USA as to Jimmy C. Chisum (seal) (Entered: 08/17/2005)
08/18/2005	4	ORDER by Mag. Judge Kimberly E. West granting plaintiff's application to Unseal Indictment [3-1] and case unsealed (cc: all counsel) (seal) (Entered: 08/18/2005)
08/18/2005		Docket Modification (Utility) Stopping excludable as of 8/18/05 due to minute order entered this date, granting motion to unseal case (nrh, Deputy Clerk) (Entered: 10/04/2005)
08/22/2005	5	NOTICE by defendant and DEMAND for Nature and Cause (nrh, Deputy Clerk) (Entered: 08/22/2005)
08/22/2005	6	MOTION to Quash Indictment and Warrant for Lack of Jurisdiction by defendant Jimmy C. Chisum (nrh, Deputy Clerk) (Entered: 08/22/2005)
08/23/2005		<i>Duncan</i> INITIAL APPEARANCE / ARRAIGNMENT before U. S. Magistrate Judge Kimberly E. West. Gov't present by AUSA Jeffrey A. Gallant. Deft. CHISUM present in person, pro se. Asst. Federal Public Defender Michael A. Abel present at the request of the Court. Courtroom Deputy: nh. Court Reporter: km. Fin. Afdt. presented; no objection by Gov't to appointment. Defendant advises Court he will represent himself and at this time does not want counsel. However, Court directs Federal Public Defender to appoint counsel to represent defendant in all proceedings in this matter on a "stand-by basis" only. Deft. has received copy of Indictment. Deft advised of right to counsel, const. rights, nature of charges, and range of punishment; is duly arraigned. Defendant does not wish to enter plea of any kind at this time. Court enters not guilty plea on behalf of defendant as to Counts 1, 2, 3 and 4 of the Indictment. ENTERING ORDER: Defendant will have 11 days in which to file motions, with government having 5 days thereafter in which to respond. JURY TRIAL set 10/3/05 at 9:00 a.m. before Honorable Ronald A. White. Pursuant to the Government's announcement that they do not seek detention at this time they Court orders that defendant shall remain free on present bond posted from District of AZ. (KEW) (nrh, Deputy Clerk) (Entered: 08/24/2005)
08/23/2005	7	ORDER by Mag. Judge Kimberly E. West appointing "stand-by" counsel for defendant Jimmy C. Chisum (cc: all counsel) (nrh, Deputy Clerk) (Entered: 08/25/2005)
08/24/2005		CJA Form 20 (Appointment of Counsel - Stephen J. Knorr) on behalf of defendant Jimmy C. Chisum. (KEW 8/24/05) (smg, Deputy Clerk) (Entered: 09/06/2005)
08/25/2005		NOTICE: SETTING jury trial on 10/3/05 at 9:00 a.m. for Jimmy C. Chisum before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (nrh, Deputy Clerk) (Entered: 08/25/2005)
08/25/2005	8	PRAECIPE by plaintiff and issuing twenty (20) blank subpoenas (law, Deputy Clerk) (Entered: 08/25/2005)
08/25/2005	9	NOTICE by plaintiff of intent to offer expert witness (law, Deputy Clerk) (Entered: 08/25/2005)
08/25/2005	10	NOTICE by plaintiff of intent to use summary exhibits pursuant to Federal Rule of Evidence 1006 (law, Deputy Clerk) (Entered: 08/25/2005)
08/25/2005	11	NOTICE by plaintiff pursuant to Federal Rules of Evidence Rule 404(b) (law, Deputy Clerk) (Entered: 08/25/2005)
08/25/2005		Docket Modification (Utility) Adding counsel Stephen Knorr, pursuant to Order directing FPD to appoint counsel on "stand-by" basis and further at the direction from FPD's office that Stephen Knorr is being appointed to represent deft. (nrh, Deputy

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		Clerk) (Entered: 08/25/2005)
08/25/2005		(law, Deputy Clerk) (Entered: 08/25/2005)
08/26/2005	12	MOTION for hearing to determine whether defendant voluntarily, knowingly and intelligently waived right to counsel by plaintiff USA as to Jimmy C. Chisum (law, Deputy Clerk) (Entered: 08/26/2005)
08/26/2005	13	RESPONSE by plaintiff to defendant's pro se motion to quash [6-1] (law, Deputy Clerk) (Entered: 08/26/2005)
08/30/2005	15	PRAECIPE by plaintiff USA for issuance of 12 blank subpoenas for witnesses to appear on behalf of the USA on 10/3/05 at 9:00 a.m. and issuing subpoenas (nrh, Deputy Clerk) (Entered: 08/31/2005)
08/31/2005	14	MINUTE ORDER before Judge Ronald A. White: This case is set for Criminal Pretrial Conference on 9/22/05 at 9:15 a.m. as to defendant Jimmy C. Chisum before the Honorable Ronald A. White, United States Courthouse, 5th and Okmulgee Streets, Muskogee, Oklahoma. IT IS FURTHER ORDERED: The requested jury instructions, verdict forms and trial briefs are due 9/21/05 by 12:00 Noon OR counsel must submit a Notice of Intent to Plea. The government must submit its witness list at the pretrial conference (PTC). Included with the witness list will be the approximate amount of time needed for direct examination of each witness. At the PTC counsel should be prepared to estimate for the Court the approximate amount of time needed for cross and re-cross examination of each witness. If the case involves an alleged crime in which the shipment or transport in interstate commerce of a firearm is an essential element, the parties may file, at least three (3) business days prior to the PTC, briefs setting forth the legal and factual authorities explaining why the Court should not take judicial notice, pursuant to Fed.R.Evid. 201, that the firearm at issue was, in fact, shipped or transported in interstate commerce. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 08/31/2005)
08/31/2005		NOTICE of hearing: A hearing on all pending motions is set for 9/22/05 at 9:15 a.m. (immediately prior to the criminal pretrial conference) as to defendant Jimmy C. Chisum before Judge Ronald A. White at the U.S. 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) Modified on 08/31/2005 (Entered: 08/31/2005)
09/02/2005	16	CERTIFICATE OF SERVICE of motion to quash indictment by plaintiff Jimmy C. Chisum on plaintiff's counsel on 8/23/05 (law, Deputy Clerk) (Entered: 09/02/2005)
09/02/2005	17	CERTIFICATE OF SERVICE of notice and demand by plaintiff Jimmy C. Chisum on plaintiff's counsel on 8/23/05 (law, Deputy Clerk) (Entered: 09/02/2005)
09/02/2005	18	PRO SE MOTION for continuance of trial by defendant Jimmy C. Chisum (law, Deputy Clerk) Modified on 09/02/2005 (Entered: 09/02/2005)
09/02/2005	19	PRO SE MOTION for extension of time to file motions by defendant Jimmy C. Chisum (law, Deputy Clerk) Modified on 09/02/2005 (Entered: 09/02/2005)
09/02/2005	20	PRO SE MOTION for <u>Finding of Facts and Conclusions of Law</u> used by Magistrate Judge West to establish jurisdiction and to enter plea over jurisdiction challenge by defendant Jimmy C. Chisum (law, Deputy Clerk) Modified on 09/02/2005 (Entered: 09/02/2005)
09/02/2005	21	PRO SE MOTION to dismiss indictment for failure to allege a crime by defendant Jimmy C. Chisum (law, Deputy Clerk) Modified on 09/02/2005 (Entered: 09/02/2005)

https://156.129.3.228/cgi-bin/DktRpt.pl?843685169539809-L_923_0-1

07/25/2006

Exhibit: 5-3

09/02/2005	22	PRO SE MOTION to strike plea entered by Magistrate Judge West by defendant Jimmy C. Chisum (law, Deputy Clerk) Modified on 09/02/2005 (Entered: 09/02/2005)
09/02/2005		Received transcript order form from defendant Jimmy C. Chisum for transcript of arraignment conducted on 8/23/05 - Original to Karla McWhorter this date with copy to file (law, Deputy Clerk) (Entered: 09/02/2005)
09/06/2005	23	RESPONSE by plaintiff to defendant's pro se motion for continuance of trial [18-1] and defendant's pro se motion for extension of time to file motions [19-1] (law, Deputy Clerk) (Entered: 09/06/2005)
09/06/2005	24	RESPONSE by plaintiff to defendant's pro se motion to strike plea entered by Magistrate Judge West [22-1] (law, Deputy Clerk) (Entered: 09/06/2005)
09/06/2005	25	RESPONSE by plaintiff to defendant's pro se motion to dismiss indictment [21-1] (law, Deputy Clerk) (Entered: 09/06/2005)
09/06/2005	26	RESPONSE by plaintiff to defendant's pro se motion for Finding of Facts [20-1] (law, Deputy Clerk) (Entered: 09/06/2005)
09/06/2005	27	MOTION to determine competency of defendant by plaintiff USA as to Jimmy C. Chisum (law, Deputy Clerk) (Entered: 09/06/2005)
09/08/2005		NOTICE of hearing: A hearing is set on plaintiff's motion to determine competency of defendant in addition to all other pending motions for 9/22/05 at 9:15 a.m. as to defendant Jimmy C. Chisum before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 09/08/2005)
09/12/2005	28	PRO SE MOTION for Findings of Fact and Conclusions of Law used by Magistrate Judge West to classify accused as pro se by defendant Jimmy C. Chisum (law, Deputy Clerk) (Entered: 09/12/2005)
09/12/2005	29	PRO SE MOTION for reconsideration of the identity determined by Magistrate Judge Duncan in USDC Arizona by defendant Jimmy C. Chisum (law, Deputy Clerk) Modified on 09/22/2005 (Entered: 09/12/2005)
09/19/2005	30	RESPONSE by plaintiff to defendant's pro se motion for reconsideration of the identity determined by Judge Magistrate Duncan in USDC Arizona [29-1] (law, Deputy Clerk) (Entered: 09/19/2005)
09/19/2005	31	RESPONSE by plaintiff to defendant's pro se motion for Findings of Fact and Conclusions of Law used by Magistrate Judge West to classify accused as pro se [28-1] (law, Deputy Clerk) (Entered: 09/19/2005)
09/19/2005	32	NOTICE by plaintiff of intent to offer expert witness (law, Deputy Clerk) (Entered: 09/19/2005)
09/22/2005		TRANSCRIPT of proceedings for the following date(s): 8/23/05 (Re: Arraignment Hearing) by court reporter Karla S. McWhorter (law, Deputy Clerk) (Entered: 09/22/2005)
09/22/2005		MOTIONS HEARING before Judge Ronald A. White. Plaintiff present by counsel Jeffrey A. Gallant, Asst. U.S. Attorney. Defendant Jimmy C. Chisum present appearing pro se and appearing with appointed counsel Stephen J. Knorr. Courtroom deputy: lw. Court reporter: Shannon Flores. Court addressed plaintiff's motion for hearing to determine whether defendant voluntarily, knowingly and intelligently waived right to counsel filed 8/26/05. Defendant and plaintiff's counsel responded. Court addressed

		<p>related issue regarding discovery. Defendant had no objection to Mr. Knorr being provided copies of discovery materials. <u>Court directed plaintiff to provide copies of discovery material to Mr. Knorr directly. ENTERING ORDER granting plaintiff's motion for hearing to determine whether defendant voluntarily, knowingly and intelligently waived right to counsel filed 8/26/05.</u> Court found defendant waived his Sixth Amendment right to counsel and directed Mr. Knorr to remain counsel of record for defendant on a "stand by basis". (RAW)(SEE WRITTEN ORDER) Court addressed defendant's pro se notice and demand for nature and cause filed 8/22/05 and found to the extent it was considered a motion it is DENIED. (RAW)(SEE WRITTEN ORDER) Court addressed defendant's pro se motion to quash indictment and warrant for lack of jurisdiction filed 8/22/05. Defendant and plaintiff's counsel responded. Court advised it would require bill of particulars from the plaintiff to clarify issue of double jeopardy. ENTERING ORDER denying defendant's pro se motion to quash indictment and warrant for lack of jurisdiction. (RAW) (SEE WRITTEN ORDER) Court addressed defendant's pro se motion to dismiss indictment for failure to allege a crime filed 9/2/05. Defendant responded. Motion DENIED. (RAW) (SEE WRITTEN ORDER) Court addressed defendant's pro se motion for Findings of Fact and Conclusions of Law used by Magistrate Judge West to establish jurisdiction and to enter plea over jurisdiction challenge filed 9/2/05. Defendant responded. Motion DENIED. (RAW) (SEE WRITTEN ORDER) Court addressed defendant's pro se motion to strike plea entered by Magistrate Judge West filed 9/2/05. Defendant responded. Motion DENIED. (RAW) (SEE WRITTEN ORDER) Court addressed defendant's pro se motion for Findings of Fact and Conclusions of Law used by Magistrate Judge West to classify accused as pro se filed 9/12/05. Defendant responded. Motion DENIED. (RAW) (SEE WRITTEN ORDER) Court addressed defendant's pro se motion for reconsideration of the identity determined by Magistrate Judge Duncan in the USDC Arizona filed 9/12/05. Defendant responded. Motion DENIED. (RAW) (SEE WRITTEN ORDER) Court addressed defendant's pro se motion for continuance of trial filed 9/2/05. Plaintiff responded advising it did not object. Defendant responded requesting a 2 month extension of the trial date. Court inquired of Mr. Knorr and he responded. ENTERING ORDER granting defendant's pro se motion for continuance of trial filed 9/2/05. Accordingly, the jury trial set for 10/3/05 at 9:00 a.m. has been STRICKEN and RESET to 11/28/05 at 9:00 a.m. (RAW) (SEE WRITTEN ORDER) Court addressed defendant's pro se motion for extension of time to file motions filed 9/2/05. Defendant responded. ENTERING ORDER denying defendant's pro se motion for extension of time to file motions. Court will reconsider if at a later time counsel advises of specific motions that are contemplated or requested. (RAW) (SEE WRITTEN ORDER) Court addressed plaintiff's motion to determine competency of defendant filed 9/6/05. Plaintiff's counsel and defendant responded. ENTERING ORDER granting plaintiff's motion to determine competency of defendant and finding defendant competent to stand trial. (RAW) (SEE WRITTEN ORDER) ENTERING ORDER striking the pretrial conference set immediately following this hearing to be reset at a later date.(RAW) Court inquired as to plaintiff's 2 expert witnesses and plaintiff responded. Court inquired as to estimate as to length of trial. Plaintiff estimated 2 days. <u>Court directed plaintiff to file bill of particulars by 10/7/05.</u> Plaintiff inquired as to the issue of speedy trial. Defendant responded confirming he did in fact waive speedy trial and the Court found that the ends of justice served by granting the continuance outweighed the best interest of the public and the defendant in a speedy trial. (law, Deputy Clerk) Modified on 10/31/2005 (Entered: 09/23/2005)</p>
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09/22/2005		Docket Modification (Utility) Motions hearing held 9/22/05 - Pretrial conference stricken to be reset at a later date (law, Deputy Clerk) (Entered: 09/23/2005)
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09/23/2005	33	ORDER by Judge Ronald A. White denying defendant's notice and demand for nature
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
Plaintiff,)
VS.) NO. CR-05-43-WH
JIMMY C. CHISUM,)
Defendant.)

* * *

TRANSCRIPT OF PROCEEDINGS

ARRAIGNMENT HEARING

BEFORE THE HONORABLE KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE

AUGUST 23, 2005

* * *

A P P E A R A N C E S:

FOR THE PLAINTIFF: MR. JEFFERY GALLANT
Assistant United States Attorney
1200 West Okmulgee Street
Muskogee, Oklahoma 74401

FOR THE DEFENDANT: Pro Se

FOR THE DEFENDANT;
STAND-BY COUNSEL: MR. MICHAEL A. ABEL
Attorney at Law
One West Third Street, Suite 1225
Tulsa, Oklahoma 74103

COURT REPORTER: KARLA S. McWHORTER
UNITED STATES COURT REPORTER
P. O. Box 2251
Muskogee, Oklahoma 74402

Proceedings recorded by mechanical stenography,
transcript produced by computer.

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-525-6313

Exhibit: 6a-1

1 counsel, I believe that probably the pleadings should be
2 signed by the defendant, as long as he is representing
3 himself because technically, I believe, under those
4 circumstances that he is the attorney of record.

5 THE COURT: Mr. Gallant, any pleadings shall
6 come from Mr. Chisum, unless directed otherwise by the
7 Court at a later time.

8 Mr. Chisum, do you understand your right to have
9 counsel represent you? Do you understand that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And are you knowingly waiving your
12 right to have counsel represent you?

13 THE DEFENDANT: At this time.

14 THE COURT: Do you understand that this is a
15 very difficult process? That people go to law school for
16 a long time in order to understand the rules of evidence
17 and the rules of trial procedure that you are going to
18 have to go through in order to represent yourself in this
19 case?

20 THE DEFENDANT: Are you telling me then that the
21 Supreme Court is in error in the way that laws are supposed
22 to be written?

23 THE COURT: Mr. Chisum, I'm telling you it's
24 very difficult to represent yourself. Before you undertake
25 this process, it's important for this Court to be aware --

FORM C-100 - LASER REPORTERS PAPER & MFG CO 800-626-6313

*Assignment
8-23-11*

Exhibit: 6a-5

1 to make sure that you are aware of the difficulty in the
2 process that you are about to undertake. Do you fully
3 understand that you -- that this is a very difficult
4 process and you will be held to the same standards as if
5 you were a practicing attorney in representing yourself
6 before this Court?

7 THE DEFENDANT: Ma'am, I mean no disrespect to
8 the Court, but I don't believe anyone fully understands
9 the complexity of the Court.

10 THE COURT: Well, what is important to me is
11 that you understand -- you fully understand your right
12 to have counsel represent you and that you fully understand
13 the standards that are going to be required to comply with
14 in order to represent yourself in this matter. Do you
15 fully understand that?

16 (PAUSE)

17 THE DEFENDANT: Yes.

18 THE COURT: I am appointing -- for the record,
19 I am appointing panel counsel to represent you as stand-by
20 counsel. Mr. Abel is here from the Public Defender's
21 office, but another counsel will be appointed to represent
22 you in a stand-by fashion. In the event that you decide
23 you want counsel to represent you in this case, you need
24 to file a motion with the Court to let him know that you
25 wish to have counsel represent sent you. Do you

FORM C-100 - LASER REPORTERS PAPER & MFC CO 800-626-6313

Exhibit: 6a-6

APPENDIX G 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

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UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
-v-) Case Number CR-05-43-WH
)
JIMMY C. CHISM,)
)
Defendant.)

TRANSCRIPT OF PRETRIAL CONFERENCE heard on
9-22-05 before the Honorable Ronald A. White, United
States District Judge.

A P P E A R A N C E S

For the United States: MR. JEFFREY A. GALLANT
U.S. Attorney's Office
Muskogee, OK

For the Defendant: MR. JIMMY C. CHISM
Pro Se
New River, CO

Stand-by Attorney: MR. STEPHEN J. KNORR
Attorney at Law
Tulsa, OK

Reported By: MS. SHANNON L. FLORES
P.O. Box 1350
Muskogee, OK 74401

FORM 472D
MAY 2004
1-800-821-4848

Exhibit: 66-1

SEPTEMBER 22, 2005

1
2 THE COURT: Okay, we are on the record in
3 CR-05-43, United States of America versus Jimmy C. Chism.
4 Mr. Jeff Gallant is present for the Government. Mr.
5 Steve J. Knorr appears, am I pronouncing that correctly?

6 MR. KNORR: Yes.

7 THE COURT: Is present as
8 standby-appointed counsel for Mr. Chism. Mr. Chism is
9 here representing himself.

10 We are here for a pretrial conference. We
11 have a number, to put it mildly, a number of motions to
12 take up. I am going to go through them in the order that
13 I put them in for my own convenience. I hope it makes
14 some sort of sense, but I don't guarantee that.

15 The first motion we will take up is the
16 Government's Motion for Hearing to Determine Whether
17 Defendant has Voluntarily, Knowingly, and Intelligently
18 Waived His Right to Counsel.

19 Mr. Gallant, do you have anything to add
20 to what you filed with the Court?

21 MR. GALLANT: No, Your Honor.

22 THE COURT: Mr. Chism, you have not
23 responded to this motion. What would like to say with
24 regard to the motion?

25 MR. CHISM: Your Honor, before you proceed

7 <

CONFIDENTIAL PERC-100-1-1000

Exhibit: 6b-2

1 to the motion, there is a motion before this Court to
2 dismiss the indictment and warrant on the lack of subject
3 matter jurisdiction.

4 THE COURT: I'm going -- when I start
5 talking, you shut up. Is that clear?

6 MR. CHISM: Yes, sir.

7 THE COURT: Okay. Now, I'm going to go
8 through the motions in the way that I figured out is
9 logically the best. Okay?

10 So right now we are addressing the motion
11 for hearing to determine if you have voluntarily,
12 knowingly, intelligently waived your right to counsel. I
13 think it makes more sense to determine that before we get
14 to the other substantive motions.

15 So do you have anything to add with
16 respect or anything you would like to say with respect to
17 that motion by the Government?

18 MR. CHISM: Your Honor, I believe I have
19 no choice but to start from this point and ask you,
20 first, for your oath of office, your appointment as a
21 judge, and the nature of this proceeding.

22 THE COURT: Well, I'm very proud of my
23 commission that's hanging in my office, but now is not
24 really the time I take to show that off. So maybe some
25 other time we can do that on more of a social basis. We

FORM 100
● PERIODICALLY RECALIBRATED

Exhibit: 66-3

1 are going to proceed. I'm asking to deny your request.

2 I'll ask if you wish to address the motion
3 to determine whether you voluntarily, knowingly, and
4 intelligently waived your right to counsel?

5 MR. CHISM: Okay.

6 As I stated in the arraignment hearing,
7 because I do not know the nature of this charge, your
8 website for the Eastern District of Oklahoma says you're
9 an Article Three Judge. Article Three, I find only three
10 jurisdictions. It don't see any reason it should be very
11 hard to get a simple answer on this. Is it a law of
12 common, equity, or admiralty.

13 THE COURT: Have you ever studied law
14 before?

15 MR. CHISM: I've studied law routinely.

16 THE COURT: Tell me about that.

17 MR. CHISM: Well, for the last twenty-five
18 years I have had the need to know, and I have studied law
19 for -- well, excuse me, twenty-four and a half years. I
20 don't want to exaggerate. I have studied law over that
21 entire time.

22 THE COURT: Have you ever studied in a
23 formal setting like in a university?

24 MR. CHISM: I have not been to law school.

25 THE COURT: Okay, have you ever

FORM FED • PERCAD • 1-800-521-5760

Exhibit: 66-4

1 indictment. You know, if you don't understand, you might
2 take my admonishment that I have previously given you
3 that you might want to consult with counsel that's been
4 appointed as standby for you, but that is up to you. You
5 have the right to continue on the way you are.

6 Do you have anything else to add to this
7 particular notice?

8 MR. CHISM: Just so it's firm in the
9 Record then the Court is refusing to tell me which of the
10 three jurisdictions under Article Three we are operating
11 under.

12 THE COURT: Okay, so I'm going -- to the
13 extent -- the Notice and Demand for Nature and Cause
14 motion is denied.

15 Move on the Motion to Quash Indictment and
16 Warrant for Lack of Jurisdiction.

17 What, if anything, would you -- I have
18 read the Government's response. I have read the motion.
19 What, if anything, do you want to add, Mr. Chism, to your
20 motion to quash?

21 MR. CHISM: Your Honor, I believe the
22 motion to quash in its entirety with the exhibits clearly
23 elaborate the point and the idea of the narrow federal
24 jurisdiction that is specifically designated by the
25 Constitution in law, and there is -- that I can identify

FORM 1120-010-0100-0100-0100

Exhibit: 6b-8