

IN THE SUPREME COURT OF MISSOURI

Motion to dismiss charges

STATE OF MISSOURI

PLAINTIFF

Vs

Case Number SC90477

Denny Ray Hardin, sui juris Defendant
Without prejudice of rights UCC 1-308/1-207

A. Motion to dismiss all charges

1. I, Denny Ray Hardin for my motion state that the jurisdiction of the court is in error, for I am a human being and a natural citizen of Missouri 1821 in its capacity as a republic and as one of the several states of the union, am a common man of the Sovereign People, which incidentally makes me a national citizen of the republic, arising under the original jurisdiction of the de jure **Constitution for the united states of 1789**, and I explicitly reserve all of my rights. See **UCC 1-308/1-207**. I am living in Jackson County, Missouri and I am standing on dry land. I do not live in the exterior borders of the state as per the **Buck act 1940**.

I am not a UNITED STATES citizen or citizen of, or franchise of, or subject to, any foreign or domestic corporation, municipal corporation, commercial entity or government operating in a commercial capacity. Also see **Congressional act of 1871** and **USC Title 28, Part VI, chapter 176, sub chapter 176, subsection A, 3002 (15) "United States" means—(A) a Federal corporation;** Also see **UNITED STATES OF AMERICA, INC.**

Non-profit Delaware Corporation
Incorporation Date 4/19/89 File No. 2193946

I am not responsible for any debt other than my own. I am not a commercial entity, artificial person or subject to the Uniform Commercial Code. Also see **UCC 1-308/UCC 1-207** and **USC TITLE 15 > CHAPTER 1 > § 17 "The labor of a human being is not a commodity or article of commerce."**

I am not subject to color of law or law merchant. I am not a party of or subject to any maritime contract and I deny that any exists. I reserve my right not to be compelled to perform under any contract or commercial agreement that I did not enter knowingly, voluntarily and intentionally. And furthermore, I do not accept the liability of the compelled benefit of any unrevealed contract or commercial agreement.

Blacks Law Dictionary: **Right**, n, 2. Something that is due to a person by just claim, legal guarantee, or moral principle <the right of liberty>.

Further it may be interesting to note that a UNITED STATES citizen is defined as a vessel. See

USC TITLE 18 > PART I > CHAPTER 1 > § 9. Vessel of the United States defined

The term "vessel of the United States", as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

The defendant moves the court to dismiss all charges for the following reason.

1. Duress

Defendant's appearance in this court is under duress and the defendant does not consent to or request a hearing or trial in this court and all

recommendations/offers are rejected except for immediate dismissal of the charges and actions.

2. Jurisdiction

a. Defendant is not subject to any admiralty/maritime contract. Also see **UCC 1-308/1-207**. Furthermore, **USC TITLE 15 > CHAPTER 1 > § 17 "The labor of a human being is not a commodity or article of commerce."** Wherefore no court can proceed in REM against a human being.

b. Only Federal courts have constitutional jurisdiction in admiralty and maritime proceedings. See the **Judiciary Act of 1789** and also **Article III of the Constitution for the United States, 1789**

There is no federal common law. See *Erie Railroad v. Tompkins, 1938*

3. Citizenship and sovereign immunity

Defendant is not a 14th Amendment citizen for a remedy was provided by **15 United States Statute at Large, July 27, 1868** also known as "Expatriation Statute". Wherefore the defendant claims the remedy and is a natural Citizen of Missouri 1821 in its capacity as one of the several states of the union, is a common man of the Sovereign People, which incidentally makes the defendant a national Citizen of the republic, arising under the original jurisdiction of the de jure **Constitution for the United States of 1789**, and defendant explicitly reserve all rights.

And because the court and the PLAINTIFF, (STATE OF MISSOURI) by the **UCC** has made it selves a commercial foreign entity and possession of the municipal corporation, the DISTRICT OF COLUMBIA (see **Congressional act of 1871**)also known as the UNITED

STATES defined as the Federal corporation, (see **28 USC 3002(15)**) the court would be in violation of..

Foreign Sovereign Immunities Act (FSIA) of 1976. See **USC TITLE 28 > PART IV > CHAPTER 97 > §1604**, "Immunity of a foreign state from jurisdiction

Subject to existing international agreements to which the United States is a party at the time of enactment of this Act a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter."

"The state citizen is immune from any and all government attacks and procedure, absent contract." see, Dred Scott vs. Sanford, 60 U.S. (19 How.) 393 or as the Supreme Court has stated clearly, "...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent." CRUDEN vs. NEALE, 2 N.C. 338 2 S.E. 70

And further the court and its officers will be violating the **11 Amendment** of the **Constitution for the united states, 1789.**

And further the court and its officers would be in violation of many federal and state laws including fraud, deprivation of rights, conspiracy to deprive rights, extortion, piracy and etc...

"Jurisdiction of court may be challenged at any stage of the proceeding, and also may be challenged after conviction and execution of judgment by way of writ of habeas corpus."

[U.S. v. Anderson, 60 F.Supp. 649 (D.C.Wash. 1945)]

4. No jurisdiction within State land

By way of the UCC, the State converted itself into a commercial entity and also a federal state (as opposed to one of the several states of the union) and possession of the UNITED STATES the commercial entity (as opposed to the United States of 1789) also known as the municipal corporation, the DISTRICT OF COLUMBIA. Wherefore the STATE OF MISSOURI in its commercial capacity can only lawfully operate within the exterior boundaries of Missouri. See

USC TITLE 4 > CHAPTER 4 > § 110. Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

(e) The term "Federal area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency, of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State.

Wherefore the PLAINTIFF the STATE OF MISSOURI in its commercial capacity has unlawfully operated within the land of Missouri 1821 in its original capacity as one of the several states of the union.

Legal note: "within the exterior boundaries of any State" is a legal fiction created by the **Buck act 1940** which resulted in a "Federal area" which covered all the several states like a clear plastic overlay. The Buck act did not create any jurisdiction within the

land of any state. Jurisdiction lays only "within the exterior boundaries of any State" (the overlay).

5. No existing contract

Plaintiff has not provided evidence of any contract that the defendant is in breach of, or any proof of ratification of commencement.

Further, The defendant is not a citizen of, or franchise of, or subject to, any foreign or domestic corporation, municipal corporation, commercial entity or government operating in a commercial capacity. Also see **Congressional act of 1871 and USC Title 28, Part VI, chapter 176, sub chapter 176, subsection A, 3002 (15) "United States" means—(A) a Federal corporation;**

Also see **UNITED STATES OF AMERICA, INC.**

Non-profit Delaware Corporation

Incorporation Date 4/19/89 File No. 2193946

Defendant is not responsible for any debt other than his own.

Defendant is not a commercial entity, artificial person or subject to the Uniform Commercial Code. Also see **UCC 1-308/UCC 1-207 and USC TITLE 15 > CHAPTER 1 > § 17 "The labor of a human being is not a commodity or article of commerce."** Defendant is not subject to color of law or law merchant.

Defendant is not a party of or subject to any maritime contract and defendant denies that any exists.

Further, defendant is living in the dry land of Colorado.

Defendant reserves the right not to be compelled to perform under any contract or commercial agreement that

defendant did not enter knowingly, voluntarily and intentionally. And furthermore, the defendant does not accept the liability of the compelled benefit of any unrevealed contract or commercial agreement.

6. No legal proceeding can commence in the commission of a crime.

Because no contract exists, the charging instrument/citation is a fraudulent document and subject to rescission. See UCC 3-202. **NEGOTIATION SUBJECT TO RESCISSION.**

(a) Negotiation is effective even if obtained (i) from an infant, a corporation exceeding its powers, or a person without capacity, (ii) by fraud, duress, or mistake, or (iii) in breach of duty or as part of an illegal transaction.

And further, the PLAINTIFF and its agents started this action in the commission of crimes and is in violation of the following laws and has caused injury as valued.

FRAUD AND FALSE STATEMENTS

TITLE 18 > PART I > CHAPTER 47 > § 1001. Statements or entries generally

... (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or

both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

Wherefore, injury as valued by USC TITLE 18 > PART II > CHAPTER 227 > SUBCHAPTER C > § 3571 = \$500,000

And because the Defendants' rights are being deprived under color of law and force of arms, the PLAINTIFF and its agents is violation of

USC TITLE 18 > PART I > CHAPTER 13 > § 242

Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both;...

Wherefore, injury as valued by USC TITLE 18 > PART II > CHAPTER 227 > SUBCHAPTER C > § 3571 = \$500,000

And because it is a conspiracy to deprive the defendant of rights, the PLAINTIFF and its agents are violation of

USC TITLE 18 > PART I > CHAPTER 13 > § 241 Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Wherefore, injury as valued by **USC TITLE 18 > PART II > CHAPTER 227 > SUBCHAPTER C > § 3571 = \$500,000**

Further the PLAINTIFF and its agents have disclosed, used and compelled the disclosure of the defendants social security number in violation of

USC TITLE 42 > CHAPTER 7 > SUBCHAPTER II > § 408.

Penalties

A- (8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States;

shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.

Wherefore, injury as valued by USC TITLE 18 > PART II > CHAPTER 227 > SUBCHAPTER C > § 3571 = \$500,000

Further, because the PLAINTIFF and its agents and the court will only allow the defendant to be represented by licensed attorneys for the MISSOURI BAR ASSOCIATION, the PLAINTIFF and the Bar and the court is in violation of

USC TITLE 15 > CHAPTER 1 > § 2 Monopolizing trade a felony; penalty

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

Wherefore, injury as valued is \$100,000,000.

Further, because the defendant is a natural citizen of Missouri 1821 and because the PLAINTIFF and its agents

have no jurisdiction concerning the defendant, and further has held the defendant captive and for ransom (bonds), the PLAINTIFF and its agents are guilty of international kidnapping. See

USC TITLE 18 > PART I > CHAPTER 55 > § 1201 Kidnapping

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when—

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;

(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116 (b) of this title; or

(5) the person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is

engaged in, or on account of, the performance of official duties,

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

Also let it be known that the PLAINTIFF and its agents in its use of motor vehicles are operating under special admiralty jurisdiction. See **USC TITLE 18 > PART I > CHAPTER 1 > § 13_Laws of States adopted for areas within Federal jurisdiction "Any limitation on the right or privilege to operate a motor vehicle imposed under this subsection shall apply only to the special maritime and territorial jurisdiction of the United States. "**

And further, because there is no maritime contract with the defendant and because the PLAINTIFF and its agents operate under color of commission. And because they claim maritime/admiralty jurisdiction in their regulation and use of motor vehicles/vessels against the Defendant and other human beings, in their armed plunder of property, taking captive, demanding ransom and etc... Then they are also guilty of

a. Piracy on dry land. See **USC TITLE 18 > PART I > CHAPTER 81 > § 1661 Robbery ashore "...imprisoned for life."**

b. **USC TITLE 18 > PART I > CHAPTER 81 > § 1652.**

Citizens as pirates

Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is a pirate, and shall be imprisoned for life.

c. Fitting out motor vehicles/vessels for piracy.

USC TITLE 18 > PART I > CHAPTER 81 > § 1654 Arming or serving on privateers

Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm or is concerned in furnishing, fitting out, or arming any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States or their property; or

Whoever takes the command of or enters on board of any such vessel with such intent; or

Whoever purchases any interest in any such vessel with a view to share in the profits thereof-

Shall be fined under this title or imprisoned not more than ten years, or both.

Wherefore, injury as valued by **USC TITLE 18 > PART II > CHAPTER 227 > SUBCHAPTER C > § 3571 = \$500,000**

d. **USC TITLE 18 > PART I > CHAPTER 81 > § 1660 Receipt of pirate property**

Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, shall be imprisoned not more than ten years.

Wherefore, the total value of injury to the defendant is \$102,500,000 (two million dollars) and for each incident to all who injure.

7. Constitutional violation

It is without question that these actions against the defendant are a violation of liberties protected by the

Constitution for the United States, 1789. But in addition, the act of the State in its capacity as one of the several states of the union, to convert itself into a commercial entity and make itself subject to the foreign corporation (the DISTRICT OF COLUMBIA) by way of the ambiguous contract the **UCC**, and at a loss of its sovereignty, is a violation of... **Article one, Section 10 of the Constitution for the United States, 1789** **No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.**

And further, because PLAINTIFF, by making the citizens and all other human beings subject to the hidden, ambiguous, fraudulent contract the **UCC**, has violated the **Thirteenth Amendment Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.**

ADVISEMENT TO THE COURT

9. Since the court and its officers unlawfully claim admiralty jurisdiction by the **UCC**, and the court is also the STATE OF MISSOURI with conflict of interest, in a commercial capacity as a possession of the DISTRICT OF COLUMBIA, (the federal corporation) and will be operating outside of its jurisdiction against the Defendant, with conflict of interest and under color of commission. Then it would appear that the court and its

officers may be liable with the PLAINTIFF and the agent/pirate in their violations and would not have judicial immunity. See...

US v Will, 449 US 200,216, 101 S Ct, 471, 66 LEd2nd 392, 406 (1980) *Cohens V Virginia*, 19 US (6 Wheat) 264, 404, 5LEd 257 (1821)

"When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason."

USC TITLE 18 > PART I > CHAPTER 115 > § 2381 Treason

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 (1882) "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance, with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law are bound to obey it."

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."

Stump v. Sparkman, id., 435 U.S. 349 Some Defendants urge that any act "of a judicial nature" entitles the Judge to absolute judicial immunity. But in a jurisdictional vacuum (that is, absence of all jurisdiction) the second prong necessary to absolute judicial immunity is missing. A judge is not immune for tortious acts committed in a purely Administrative, non-judicial capacity.

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".

Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938) A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts.

Further, because the court and the officers are operating in a commercial capacity, they will not be immune from suit. See

Clearfield Doctrine

"Governments descend to the Level of a mere private corporation, and take on the characteristics of a mere

private citizen...where private corporate commercial paper" [Federal Reserve Notes] "and securities" [checks] "is concerned. ... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." - Clearfield Trust Co. v. United States 318 U.S. 363-371 (1942)

Also see

Colten v. Kentucky (1972) 407 U.S. 104@122. 92 S.Ct. 1953; Dissent by Douglas "If the nation comes down from its position of sovereignty and enters the domain of commerce, it submits itself to the same laws that govern individuals therein. It assumes the position of an ordinary citizen and it cannot recede from the fulfillment of its obligations;" 74 Fed. Rep. 145, following 91 U.S. 398.

NOTICE OF INTENT

PLAINTIFF is hereby given NOTICE of Intent to Seek, Commence, Secure, Lien and Recover in toto, remedy for all injury and damages and to Criminally Prosecute all those responsible under all applicable provisions and Mandates of the Ordained Constitution for the Union of several States of the United States of America, 1789, and Laws made in pursuance thereof.

B. Relief sought

WHEREFORE, the defendant/defense rightfully and respectfully moves the court to dismiss the fraudulent charges.

Respectfully submitted,

Signed:

Melinda Sue Harrington, sui juris

Melinda Sue Harrington, sui juris

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Attorney-in-Fact and Agent

NOTARY PUBLIC

State Missouri

County Jackson

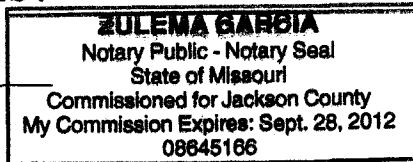
Subscribed and sworn to before me, a Notary Public, the above signed Zulema Garcia.

This 1 day of March, 2010 year

Zulema Garcia
Notary Public

MY COMMISSION EXPIRES:

Sept, 28, 2012



IN THE SUPREME COURT OF MISSOURI

CERTIFICATE OF SERVICE

STATE OF MISSOURI

PLAINTIFF

Vs Case: SC90477

Denny Ray Hardin

Defendant

I, Melinda Sue Harrington the Power of attorney for Denny Ray Hardin certify that I have mailed a copy of the Motion to dismiss charges on March 1, 2010 to

Byron Woehlecke

Assistant Prosecuting Attorney

1315 Locust 1st Floor

Kansas City, MO. 64106

Certified Mail # 7009 0960 0000 9901 9436

Respectfully submitted,

Signed:

Melinda Sue Harrington, sui juris

Melinda Sue Harrington, sui juris

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