

By Denny Kay Hardin 9/10/2010  
Leavenworth Detention Center

"Rights v. Corruption Part III"  
"The Death of an American"

Yesterday, I went before Magistrate Robert Larsen, the purpose of this hearing was a "Mental Evaluation Hearing" under 18 USC 4247 (d). The Law clearly says I am entitled to subpoena witnesses and give evidence. According to Anita Burns, the Judge would not listen to any of my arguments because his "Forensic Psychologist" has declared me delusional. Jeremiah Dwyer Ph.D is known as the "Knock down Quack", if a Judge wants a competent person declared incompetent, then Dwyer is the man for the job. Dwyer determined I am delusional because I believe in the Constitution and laws attorneys are not allowed to use. Further, I am delusional because I believe I can represent myself better than any member of the "BAR ASSOCIATION". His recommendation is that I be institutionalized in the "Federal Medical Center" under 18 USC 4241 (d) for restoration to competency. He recommends treatment via medication to stop the "Rigid Belief System" and restore me to competency. In his opinion, a competent person will put their life in the hands of an attorney and trust them to do right, Since I do not believe this to be true I am considered delusional. I asked, on the record before witnesses, for this Doctor (?) to be subpoenaed for the "Mental Competency Hearing". Robert Larsen acted in clear "intrinsic fraud" to deny the subpoenas requested and the evidence of the Doctor's (?) cross examination. The "Knock down Quack's" opinion stands as "fact" without lawful challenge, as determined by magistrate Larsen. This is the full extent of the hearing allowed.

Because Magistrate Robert Larsen has inflicted "Cruel and Unusual Punishment" upon me and my family, for over 105 days, by ordering no phone, no visitation and no mail, that has been utilized to put me into Solitary Confinement with no means of communication. I was forced to humble myself before this terrorist to beg for mercy. Because my family was suffering by not being able to know my current status, I asked Magistrate Larsen to lift his restrictions on my communications. Anyone who knows me, knows I will accept any punishment of a tyrant to prove the point of supremacy of our Constitution. But when those I love are attacked and hurt by a Magistrate I must humble myself. Magistrate Larsen made himself very clear, "If I would stop filing in all courts, he would allow me to communicate with my

family." of course this is clearly "Blackmail and Extortion" to stop me from seeking due process of law, within the 5<sup>th</sup> Amendment. But because my family was hurting and suffering everyday worrying about me and had been for 105 days, I was broken. Magistrate Larsen said he would accept my word I would no longer file in courts and give me back my ability to communicate with my family. I swallowed my pride and gave my word I would not file anything else in the court until I was deemed competent and acting as my own attorney. Court has been closed to me since May 13<sup>th</sup> in violation of 28 USC 452. A part of me died today, my government has beaten me into submission by hurting those I love. U.S. Marshals have all my letters to my family in violation of 18 USC 1702.

Upon my word, Magistrate Larsen ordered the U.S. Marshals present to restore my privileges and make sure I get a phone call today. With that I was removed from the court with the understanding the results of my "Mental Competency Hearing" were going to Chief Judge Gaitan for his determination. Upon my return to cCA anticipating I would be allowed to call my family for the first time in 105 days I was disappointed to find that it would not be so. A CO explained it to me like this, "When a Judge issues an order to the Marshals the Marshals will inform the Warden of the order and if the warden agrees he will inform his staff, now thats not going to happen today it may not happen tomorrow, when we get around to it you will get a phone call, thats just the way it is." I have always believe if a man's word can not be trusted then that man is shit. Obviously Robert Larsen's word is no good because I was not given a phone call. But I am expected to be a honorable man and keep my word. Like the American Indians, told lies over and over again by the corrupt government and killed when they asked for that which they were promised. Government wants us to trust them, but yet this is just one example of their method of conducting business. How do we trust those who break their word and find pleasure in hurting others?

I believe both Magistrate Larsen and Chief Judge Gaitan are biased and Prejudicial in this cause because they have both committed crimes in this case. The law is clear 28 USC 455 (b) (1) says they must disqualify themselves. Both Larsen and Gaitan were named as Fiduciary (s) in this case and must disqualify themselves under 28 USC 455 (b) (4). 28 USC 455 (e) clearly states these can not be

waived by either party. Judges are deemed to know the law and can only act with malice, intent and knowledge to break it. Neither Judge has authority of law or jurisdiction to declare me incompetent but I assume I will be declared "Mentally incompetent" to protect these judges and the crimes they have committed.

I believe the goal of Magistrate Larsen, is to get me into an Insane Asylum and have Doctors (?) utilize psychotic drugs to take away my ability to focus and retain information. Robert Fox claimed he was hung upside down and beaten, with injuries of a broken back, at the "Federal Medical Center" in Springfield Missouri. This house of horrors is notorious for torture, denial of medical treatment and has a high average of patient deaths. It seems healthy people check in and die within a very short period of time. Former Patients claim the screams of the insane are present 24 hours a day and the place reeks of death. I pray I am not sent there, but it is out of my hands. Chief Judge Gaitan holds my fate in his hands. I pray God will protect me.

It is 11am Friday the 10th and the phone still isn't on, I was informed by Mr Myers that the Warden was meeting with the Marshals's representative to determine if privileges are going to be restored. I was cleared to use the phone yesterday at 4:00, but all the numbers I want to call, my family, are restricted. At 10:30 I was given a notice to call my attorney. I called and she said the Judge has issued an Order. I informed her my phone situation and the fact U.S. Marshals are in possession of my mail. She said she would work on it and see what she could do. Based upon all of this it seems the Marshals are superior to the Judges and the Warden must have the Marshals's permission to institute the Judge's Order. The Marshals seem to be able to do anything except produce a warrant that gives them authority to hold me. First the CO lied to me saying there are no restrictions on my calls by the CIA mail room. But now based upon the meeting with the Marshals's representative, they are discussing the removal of the restrictions.

I called Anita Burns at 2:00 and was told the Judge doesn't expect immediate compliance, he will enforce his order but I must be patient. If not today then Monday for sure. Another situation where my hands are tied for their lies to prevail.

I believe if the Judge's Orders are not being complied with my attorney should inform the Judge and he should enforce his order today. CCA put me in the hole and took all my privileges in less than 2 hours. But they can not restore them in a 24 hour period. Again since Anita Burns is my protector, I must depend upon her to protect my rights. If she can not enforce something as simple as getting a phone back on after two days at a prison with a court order. How can I trust her to represent me in a trial where I could go to prison for the rest of my life? Could you trust her? I guess I am delusional because I can not.

The reason for my frustration is if the phone is not on by 4:00 then I will suffer yet another weekend of no communication with my loved ones. Burns said she has made arrangements to pick up my mail, from the U.S. Marshals who have unlawfully seized it. She said the Marshal assured her, he has the order and will make sure everything is done, and call her when his meeting is over with the warden. My question is why is a meeting necessary to discuss a court order? As a member of the public, if we get a "Court Order" we must comply with it, but I guess Marshals can accept or reject the order and comply at their leisure. I keep trying my home number over and over and it keeps saying "That number is restricted". Melinda activated the account 2 weeks ago and put money on it, we are not sure why they won't let me call. Every number I have is restricted.

This has been a very rewarding week for me, God answered one of my prayers. It started on Monday with a prayer, I asked God to restore my communications with those I love. On Monday I got a letter from Melinda saying she has only got 2 letters since August 3<sup>rd</sup>. I have written over 15. So I prayed to God to help me. On Monday there was no possibility of getting a phone call, a visit or a letter to Melinda the Marshals were seizing them all. Tuesday afternoon a CO came to my door and out of the blue my attorney was here to see me for the first time. She was here to discuss the "Mental Evaluation" of the "Knock down Quack" and told me I would be in court on Thursday. God sure answered my prayers quick with court comes the possibility of restoration of privileges. On Friday I had tried all day to get through on every number I have with no luck. I prayed God please help me. And His response was fast.

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Ms Davis a Captain here a CCA stopped by and asked how I was doing. I told her my story and she said she could give 3 minutes at 8:00. At 8:15 she had left the building and I told Kendall, one of the COs the story and he called her and she sent an officer to give me my 3 minutes on the phone. I called Melinda and got three cell numbers and got my 3 minute phone call for the first time in what seemed forever. I got back to my cell and called all three numbers and got through on all of them. God answered my prayer and communication was re-established within the week. All I have to say is "God is Great". I thanked Ms. Davis, Kendall, Meyers and all the rest who God utilized to make it happen. I still can't call home but I can communicate with my family. God made it happen.

Today is Saturday the 11th of September and I am awaiting a determination of the court to see what they will do with me. I still have not been arraigned, tried, found guilty or sentenced yet I have been in prison over 120 days now. It seems if I would renounce my "Rigid Belief System" in our "Constitution" and laws in support of it, I would be deemed "Competent to stand trial". If I would only believe in the "rightousness" of Judges and Attorneys to administer justice, then my trial could be underway. If there is no "Constitution" then the "American is Dead". Of course, Corporate government wants the Constitution abolished, so our fate is tottally in their hands and we are all "UNITED STATES CITIZENS" subject to their exploitation. This is clearly the "Knock Down Quack's" opinion when he reccomends that I be institutionalized and medicated to determine "if" my beliefs raise to the level of delusions. I believe this is nothing more than some corrupt government officials striking out against the Constitutional requirements of government 18 USC 1918. I took an "Oath" to defend and protect the Constitution against all enemies foreign and domestic. Every government official is required to support the Constitution and laws of the United States 28 USC 453. This Constitution is the "Common Law", it was created by our forefathers and accepted by every state who has joined the Union as the "Supreme Law of the land" as clearly stated in Article VI. If I am delusional for not being willing to give up my beliefs in our Constitution, then I stand guilty. This "Rigid belief System" is secendary to my faith in God. Is that "Rigid belief System" going to be attacked as well? Thank God my Constitution gives me the right to freedom of religion in the 1st Amendment.

What I see happening is an attack upon my right to think, that is contrary to the "propoganda" of modern government. History tells me we are governed by the governed. The people are the supreme authority in America and our government is subject to accountability to the people through our power to vote. Government of the people, by the people and for the people, with each member individually accountable for their personal conduct. This is where government officials have a problem with me. Because I have participated in so many cases I know when a public Official is doing wrong and what crimes they are committing. Like Larsen issuing a search warrant without a signed statement of Probable Cause. Like Van Cycle obtaining evidence by robbery and extortion 18 USC 1951 (b)(1) & (2) that is not admissible in any court under the "Fruit of a poisonous tree doctrine" (Black's Law 9th Edition Page 740) "The rule that evidence derived from illegal search, arrest or interrogation is inadmissible because the evidence (the Fruit) was tainted by the illegality (the poisonous tree)." If court was not closed to me in violation of 28 USC 452, I would file a "Motion to Suppress all Evidence" as "Fruit of a poisonous tree" under Rule 12 (b) (3) (C), citing "Wong Sun v. United States" the landmark case that created it. But Larsen by keeping me out of court is denying me due process of law in violation of the 5th Amendment and holding me "Hostage" 18 USC 1203.

Once the "Motion to Suppress all Evidence" is filed this case must be dismissed. Without evidence and without a signed complaint signed under the penalty of perjury lawfully establishing the "injured party" there can be no crime. "Common law Jurisdiction" requires an "Injured Party". A corporation can not be an "injured party" because it can not testify in open court and be subject to cross examination. "Admiralty Jurisdiction" requires a contract to establish "Subject matter Jurisdiction" I have no contract with the "Plaintiff" or any member of this court to be prosecuted by them. For the record, I do not consent to any contract with the prosecutor or judge of the Western District of Missouri. Therefore to prosecute this case the prosecutor must produce an "Injured Party" who has signed a complaint under the penalty of perjury. No "Agent" of any Corporation can lawfully do this. The "Injured Party" must be a ~~principal~~ principal. Without the "Principal", All agent testimony is "hearsay" and not admissible in court. This is clearly a "defect in instituting the Prosecution" that can be argued under F.R.C.P.

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Rule 12(b)(3)(A). The question is not am I competent to stand trial the question is does sufficient evidence exist to take this to trial. Because I am a man of honor and gave my word I will not file anything in court, I must trust my "Public Defender" Anita Burns to file "Motions" to the Court for me to gain my release. It all comes down to one question, "Is she loyal to me or to the Court and the BAR? Her actions or lack thereof will establish the answer to this question. I say the Prosecutor must Prosecute "Ad Prosequendam" by producing an "Injured Party" or I must be released immediately.

I have sat in prison for over 120 days now waiting to prove my innocents. My "Public Defender" Anita Burns by this is given all she needs to force my prosecution or release. The "Mental Competency" issue is just a method of Magistrate Larsen to inflict "Cruel and unusual Punishment" upon me for filing a Criminal Complaint against him in 2008. This is clearly "State Terrorism" (Black's Law 9th Edition Page 1611) "1. Terrorism practiced by a sovereign government, esp. against its own people." "Terrorism" is defined as, "The use or threat of violence to intimidate or cause panic." I believe arresting me and throwing me in prison without a warrant, without a signed Complaint, without probable cause and without jurisdiction or authority of law is clear "Terrorism" 18 USC 1350, at the very least it is "Conspiracy against rights" 18 USC 241. So here I sit in "Solitary Confinement" waiting the next round of abuse, persecution, intimidation, threats, violence, humiliation, defamation, ridicule, torture and/or any combination of these my government wishes to impose upon me. Even to this end, I am still an "American Citizen" loyal to the Constitutions and laws of the United States. This is the truth as I see it, John 8:32 says, "The truth shall make you free." Today, September 13, 2010, I pray to God, please set me free and let me go home.

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