District Court of the united States for the Western District of Missouri

"One supreme Court"
Article 3

FINDING OF MOOT
FINDING OF void judgment, sentencing and commitment
Finding of continuing acts of "conspiracy against rights".

UNITED STATES OF AMERICA **Plaintiff**

VS **Case number 4:10-cr-00131-GAF**

Denny-Ray: Hardin **ALLEGED DEFENDANT**
All rights reserved **UCC 1-308**
Special appearance

"One supreme Court"
Article 3,

FINDING OF MOOT
FINDING OF void judgment, sentencing and commitment
Finding of continuing acts of "conspiracy against rights" and "Treason"

It is now found that District Judge Gary A. Fenner in his judgmentsentencing and commitment; dated February 2, 2012 (Doc 199) and his Order dated February 6,2012 (Doc 205)are moot in light of the following fact that this case has already been closed by the acquiesce of the prosecution, and of the court, by failing to answer the (alleged DEFENDANTS'), self executing jurisdictional challenges (Doc 97 and Doc 183), in the allotted time. It is further found that the Sentencing Memorandum filed by US Attorney Brian P. Casey dated February 1,2012 (Doc 196) is also moot and done with malice, intent and knowledge to conspire with District Judge Gary A. Fenner against the constitutionally secured unalienable rights of the alleged defendant. It is further found, that both the prosecutor and the court are in dishonor of their own orders closing the case (Doc 115 and Doc 184). And specifically the release of the private man Denny-Ray: Hardin.

It is further found that to date; no jurisdiction has been stated or proven in this cause and without jurisdiction the alleged defendant has been denied due process of law since May 10, 2010. It is even further found that this cause has no competent fact witness that has signed a complaint under the penalty of perjury that the alleged defendant has injured the said party; thus there is no person with standing to allow Brian P. Casey to prosecute the alleged defendant or to allow District Judge Gary A. Fenner jurisdiction to hear this cause. All have proceeded in this cause in treasonous acts done with intent to injure the alleged defendant; irregardless of the facts, law and evidence. Therefore the trial, judgment, sentencing and commitment are ***void*** as a matter of law.

Finding of facts

1. It is found that this cause arose from an affidavit of a person of NO STANDING, who was not a competent fact witness or and injured party and that the instant case was based solely on heresay evidence.

2. It is found that the jurisdiction of the court and the prosecutor to hear this cause has been challenged repeatedly which to date has not been answered by the court nor the prosecution thus

3. It is found that without the jurisdiction being proven once it was challenged that the court and the prosecutor have continued this cause with malice, intent and knowledge of treasonous acts to injure the alleged defendant and deny the alleged defendant due process of law at every instance of this cause.

4. It is found that District Judge Gary A. Fenner is GUILTY of "conspiracy against rights" 18 USC 241 against the alleged defendant by the ORDER he filed dated February 6, 2012 (Doc 205) thus again denying the alleged defendant due process of law by denying him the right to appeal *in forma pauperis* when he stated in open court on February 2, 2012 that the alleged defendant had no means in which to pay. And in which the alleged defendant has already been deemed *in forma pauperis* by the 8TH Circuit Court of Appeals for the united States of America in 5 other causes relating to this case.

5. It is found that without jurisdiction being proven on the record ;that no jurisdiction exists in the instant case and the trial, judgment,sentencing,and commitment are *void* as a matter of law.

6. It is futher found that District Judge Gary A. Fenner is in violation of FRCP 23(c) by not stating his findings of facts on his judgment of February 2, 2012. Or by not stating his findings in court; thus again denying the alleged defendant due process of law.

7. It is even further found that the alleged defendant was prosecuted under a non-existant administrative statute; and/or the wrong venue; rendering the case void.

Conclusions of law

1. Standing is legally defined as "The position of a person in reference to his capacity to act in a particular instance…19 Am J2d Corp § 559." Ballentine's Law Dictionary, page 1209, Black's Law Dictionary, 4th edition, page 1576. The nine lawyers commonly referred to as the "United States Supreme Court" have written: "In essence the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues." Warth v. Seldin, 422 U.S. 490, 498 (1975).

If a plaintiff lacks standing, then courts, all courts, are legally/constitutionally incapable of proceeding because: "courts only adjudicate justiciable controversies." United States v. Interstate Commerce Commission, 337 U.S. 426, 430. Notice the litigants in the last case if you're thinking "government" is somehow "exempt" from standing requirements. People under the influence of law enforcement mind control automatically start trying to find "loopholes" and exemptions for their "authority figures", the government. This psychological response is not unlike the Stockholm syndrome.

And make no mistake, this is considered a very important issue by the "Supreme Court" and government attorneys, especially when they are the defendants as proven by the recent case the Bush administration lost in regards to the NSA spying program. Standing is usually a bureaucrat's first line of defense. Pay attention to what the "Supreme Court" wrote about the elements of standing: "The requirement of standing, however, has a core component derived directly from the Constitution. A plaintiff must allege personal injury

fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." Allen v. Wright, 468 U.S. 737, 751 (1984) (emphasis added).

This of course references Article III § 2 of the "United States" "constitution" which requires a plaintiff to present a case or controversy before a court may proceed: U.S. Const. art. III limits the "judicial power" to the resolution of "cases" and "controversies." One element of the "bedrock" case-or-controversy requirement is that plaintiffs must establish that they have standing to sue. On many occasions, the United States Supreme Court has reiterated the three requirements that constitute the "irreducible constitutional minimum" of standing. First, a plaintiff must demonstrate an "injury in fact," which is "concrete," "distinct and palpable," and "actual or imminent." Second, a plaintiff must establish a causal connection between the injury and the conduct complained of--the injury has to be fairly traceable to the challenged action of the defendant, and not the result of some third party not before the court. Third, a plaintiff must show the "substantial likelihood" that the requested relief will remedy the alleged injury in fact

Article III of the Constitution limits the "judicial power" to the resolution of "cases" and "controversies." One element of the "bedrock" case-or-controversy requirement is that plaintiffs must establish that they have standing to sue. Raines v. Byrd, 521 U.S. 811, 818, 138 L. Ed. 2d 849, 117 S. Ct. 2312 (1997). On many occasions, we have reiterated the three requirements that constitute the "'irreducible constitutional minimum'" of standing. Vermont Agency [***600] of Natural Resources v. United States ex rel. Stevens, 529 U.S. 765, 771, 146 L. Ed. 2d 836, 120 S. Ct. 1858 (2000). First, a plaintiff must demonstrate an "injury in fact," which is "concrete," "distinct and palpable," and "actual or imminent." Whitmore v. Arkansas, 495 U.S. 149, 155, 109 L. Ed. 2d 135, 110 S. Ct. 1717 (1990) (internal quotation marks and citation omitted). Second, a plaintiff must establish "a causal connection between the injury and the conduct complained of--the injury has to be 'fairly trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] some third party not before the court.'" Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-561, 119 L. Ed. 2d 351, 112 S. Ct. 2130 (1992) (quoting Simon v. Eastern Ky. Welfare Rights Organization, 426 U.S. 26, 41-42, 48 L. Ed. 2d 450, 96 S. Ct.

1917 (1976)). Third, a plaintiff must show the [*226] "'substantial likelihood' that the requested relief will remedy the alleged injury in fact." Stevens, supra, at 771, 146 L. Ed. 2d 836, 120 S. Ct. 1858.

"This case-or-controversy doctrines state fundamental limits on federal judicial power in our system of government. The Article III doctrine that requires a litigant to have "standing" to invoke the power of a federal court is perhaps the most important of these doctrines." Allen page 750.

More explicit, standing requires the violation of a legally (government) recognized right. The Declaration of Independence proves this: "That to secure these Rights, Governments are instituted among Men…" And from the Bill of Rights in the "constitution": "governments…are established to protect and maintain individual rights." Article 4 and 5 of the Bill of Rights.

This means everything "governments" do must be to "protect and maintain individual rights." The "Supreme Court" has held consistent with this principal: "the duty of this court, as of every judicial tribunal, is limited to determining rights of persons or of property, which are actually controverted in the particular case before it." Tyler v. Judges of the Court of Registration, 179 U.S. 405 (emphasis added).

Standing consists of two absolutely essential elements: 1) violation of a legal right, and 2) personal injury.

In accord with the standing to sue doctrine in an action in federal constitutional court by citizen against a government officer, complaining of unlawful conduct there is no justiciable controversy unless citizen shows that such conduct invades or will invade a private substantive legally protected interest of plaintiff, citizen. Associated Industries of New York State v. Ickes, C.C.A. 2, 134 F.2s. 694, 702.

Likewise for government to have standing to sue and or prosecute a private citizen under this doctrine, government complaining of unlawful conduct there is no justiciable controversy unless government shows that such conduct invades or will invade a constitutionally authorized interest of plaintiff, government. Government is a system of

polity: That form of fundamental rules and principles by which a nation or state is governed or by which individual members of a state or nations body politic are to regulate their social actions. The constitutional government and the laws made thereunder express the rights and duties of public officers (e.g.) government employee citizens.

The fundamental rules and principles referred to as code statutes are the regulations, restraints, supervision or control which is exercised upon the individual members of an organized jural society, e.g. government internally, by those invested with internal authority or the act of exercising supreme political (internal) power and control. Chicago B. & Q.R. Co. v. School Dist. No. 1 in Yuma County, 63 Colo. 159, 165 p. 260, 263.

The substantive due process clauses of the Fourth, Fifth Articles of Amendment to the Constitution for the United States of America are a permanent injunction against governments of the nation United States and the several states baring them from imposing government bureaucrats and their internal rules, statutes, regulations, restraints, supervision or control upon the personal liberty and private property of the private citizen by any presumption or other false pretenses.

In this instant case before this court, I, in my private capacity have standing ; all others proceed in fraud.. The Constitution for the United States of America is a contract between the governments and the American private people. The government, its bureaucrats and its pretend attorneys have breached the performance of their duty to protect my personal liberty and my private property arising from a breach of duty growing out of the contract of the Constitution, which could result in termination of said contract, if not corrected.

As a private citizen I have no duty to this great government other than to pledge my support, which I do , in all that is within its Constitution – by-laws. I have established a legal right in private property and an injury to my person as a live, natural, private citizen.

On the other side, the government, its bureaucrats and pretend attorneys have not established standing to sue, and failed to state a case or controversy and have not shown a contract from which a cause of action could arise. The government has not shown a violation of some legal right that it has under its terms and limitations of its Constitution. The government being nothing more than a public corporation which is a fiction, can not in any way show a personal injury. The bureaucrats and their pretend attorneys acting alter-ego in the name of the government for self-serving benefit perpetrated fraud and deceit upon me in my private capacity by making this claim and forcing the internal rules, statutes, regulations, restraints, supervision and controls of internal government on my private person and my private property by falsifying the record. The bureaucrats and their pretend attorney's claims against myself and my private property are "ex dolo malo nonoritur actio." The falsifying of the record is out of fraud and no action can arise: fraud never gives a right of action or establishes the standing to sue. No court should ever lend its aid to one who sounds his cause of action upon an immoral or illegal and unconstitutional act.

A judge, although he/she must be allowed discretion, the "sound, and conscientious exercise of this discretion, rest, in this, as in other cases, upon the responsibility of the judges, under their oaths of office." United States v. Perez, 9 Wheat 579 CF.

A judge always errors when he/she abuses their discretion where a "judge exercises his authority to help the prosecution at a trial in which its case is going badly, by affording it another, more favorable opportunity to convict the accused." Gori v. United States, 367 u.s. 364, 369.

2. To date NO JURISDICTION has been proven. The prosecutor has stated that he does not have to state /prove jurisdiction and the lower inferior court judges have let the prosecutor/Plaintiff continue without jurisdiction being proven on the record To continue to a trial of the merits without jurisdiction being proven for the record is a clear denial of Denny-Ray:Hardin's constitutionally secured right of the 5th amendment and due process of law.

"…[H]owever late this objection [to jurisdiction] has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, BEFORE any court can move ONE FURTHER STEP IN THE CAUSE; as any movement is necessarily the exercise of jurisdiction." RHODE ISLAND v. MASSACHUSETTS, 37 U.S. 657, 718, 9 L.Ed. 1233 (1838).

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v Lavine 415 U. S. 533.

"… [O]nce jurisdiction is challenged, the court CANNOT PROCEED when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." MELO v. US, 505 F2d 1026.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8: 331 US 549, 91 K, ed, 1666m 67 S, Ct, 1409

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."

"if the record does not show upon its face the facts necessary to give jurisdiction, they will be presumed not to have existed." ***Norman v. Zieber, 3 Or at 202-03***

"The law requires proof of jurisdiction to <u>appear on the record</u> of the administrative agency and all dministrative proceedings." ***Hagans v Lavine 415 U. S. 533.***

U.S. v. Tweel, 550 F.2d.297. *"Silence can only be equated with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading."*

3. There is no jurisdiction, appearing on the record ; therefore the District Judge Gary A. Fenner and prosecutors Brian P. Casey and Patrick Daly have proceeded without the authority of law; denying Denny-Ray:Hardin substantive due process and his unalienable rights granted to him by his creator and secured by the constitution for the united States of America. As all have proceeded outside their authority and have violated their oaths to uphold the laws outlined in the constitution; more specifically the first ten amendments known as the "Bill of Rights". Fenner, Casey and Daly have all proceeded in the warring of the laws; they have sworn to uphold , and in effect have committed acts of treason

becoming enemies of the country , i.e (the STATE); they had previously swore to protect by their denial to secure Denny-Ray:Hardin's unalienable rights.

"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." COOPER v. AARON, 358 U.S.

COHENS v VIRGINIA 19 U.S. 264, 404, 5 L.Ed. 257, 6 Wheat. 264 (1821), "… [W]hen a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act 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.

"We [judges] have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." –US Supreme Court, ***U.S. v. Will***, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); ***Cohens v. Virginia***, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

4. District Judge Gary A. Fenner has denied the alleged defendant to proceed on appeal *in forma pauperis* by his order dated February 6,2012. Notice of intent to appeal had already been stated by the alleged defendant on February 2,2012 and the clerk had already filed Doc 200; which is a U.S. Court of Appeals Eighth Circuit NOA Supplement dated February 2,2012 in which it shows the alleged defendant IFP; the length of the trial, and the fee being waived. The District Judge Gary A. Fenner has denied Denny-Ray:Hardin *in forma pauperis* soley to deny the alleged defendant a copy of the transcripts as requested on the Notice of Appeal. The court has failed to follow FRAP 24(a) (2) and state the reason why NOW the alleged defendant is being denied *in forma pauperis.* The alleged defendant will proceed forward directly to the 8th Circuit Court of Appeal for the united States of America in accordance with FRAP 24(a)(4)(A) and FRAP 24(b).

5. **COURT HAS NO DISCRETION TO REFUSE TO VACATE A VOID JUDGMENT** *Export v. Reef,* 54 F.3d 1466, 1469 (9th Cir. 1995) held:
"We review de novo, however, a district court's ruling upon a Rule 60(b)(4) motion to set

aside a judgment as void, because the question of the validity of a judgment is a legal one. *Retail Clerks Union Joint Pension Trust v. Freedom Food Center, Inc*. 938 F.2d 136, 137 (9th Cir. 1991)." (end quote *Export Group v. ReefInd*.)

***Orner v. Shalala*, 30 F.3d 1307 (10th Cir. 1994) held that "when the rule providing for relief from a void judgment is applicable, relief is not discretionary, but is mandatory."**

Jaffe v. Van Brunt, 158 F.R.D. 278 (S.D.N.Y. 1994) held: "Judgments entered where courts lack either subject matter jurisdiction, or that were otherwise entered in violation of due process of law, must be set aside."
(end quote *Jaffe*)

> *"without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers."*
> *[Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)]*

> "A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732-733 (1878).",[World-Wide Volkwagen Corp. v. Woodson, 444 U.S. 286 (1980)]

> **Void judgment**. One which has has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally. Reynolds v. Volunteer State Life Ins. Co., Tex.Civ.App., 80 S.W.2d 1087, 1092. One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree. Judgment is a "void judgment" if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. Klugh v. U.S., D.C.S.C., 610 F.Supp. 892, 901. See also Voidable judgment.**[Black's Law Dictionary, Sixth Edition, p. 1574]**

> Invalidity need to appear on face of judgment alone that judgment or order may be said to be intrinsically void or void on its face, if lack of jurisdiction appears from the record, Crockett Oil Co. v. Effie, 374 S.W.2d 154 (Mo.App. 1964).

B & C Investments, Inc. v. F & M Nat. Bank and Trust, 903 P.2d 339 (Okla App. Div. 3, 1995) held:"Decision is void on the face of the judgment roll when from four corners of that role, it may be determined that at least one of three elements of jurisdiction was

absent:jurisdiction over the parties,jurisdiction over the subject matter, or jurisdictional power to pronounce particular judgment that was rendered."(end quote *B & C Investments*).

> Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties. See:
>
> Wahl v. Round Valley Bank, 38 Ariz. 411, 300 P.955 (1931),Tube City Mining & Milling Co. v. Otterson, 16 Ariz. 305, 146 P. 203 (1914),Milliken v. Meyer, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 2d 278 (1940)
>
> A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court. See Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999)
>
> A void judgment is one which, from its inception, was a complete nullity and without legal effect. See Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972)
>
> A void judgment is one which from the beginning was complete nullity and without any legal effect. See Hobbs v. U.S. Office of Personnel Management, 485 F.Supp. 456 (M.D. Fla. 1980).
>
> Void judgment is one that, from its inception, is complete nullity and without legal effect. Holstein v. City of Chicago, 803 F.Supp. 205, reconsideration denied 149 F.R.D. 147, affirmed 29 F.3d 1145 (N.D. Ill. 1992).
>
> Void judgment is one where court lacked personal or subject matter jurisdiction or entry of order violated due process, U.S.C.A. Const. Amend. 5-Triad Energy Corp. v. McNell, 110 F.R.D. 382 (S.D.N.Y. 1986).
>
> Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A.; U.S.C.A. Const Amend. 5. Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985).
>
> A void judgment is one which, from its inception, was a complete nullity and without legal effect, Rubin v. Johns, 109 F.R.D. 174 (D. Virgin Islands 1985).

A void judgment is one which, from its inception, is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind the parties or to support a right, of no legal force and effect whatever, and incapable of enforcement in any manner or to any degree. Loyd v. Director, Dept. of Public Safety, 480 So.2d 577 (Ala.Civ.App. 1985). A judgment shown by evidence to be invalid for want of jurisdiction is a void judgment or at all events has all attributes of a void judgment, City of Los Angeles v. Morgan, 234 P.2d 319 (Cal.App. 2 Dist. 1951).

Void judgment which is subject to collateral attack, is simulated judgment devoid of any potency because of jurisdictional defects, Ward. v. Terriere, 386 P.2d 352 (Colo. 1963). A void judgment is a simulated judgment devoid of any potency because of jurisdictional defects only, in the court rendering it and defect of jurisdiction may relate to a party or parties, the subject matter, the cause of action, the question to be determined, or relief to be granted, Davidson Chevrolet, Inc. v. City and County of Denver, 330 P.2d 1116, certiorari denied 79 S.Ct. 609, 359 U.S. 926, 3 L.Ed. 2d 629 (Colo. 1958).

Void judgment is one entered by court without jurisdiction of parties or subject matter or that lacks inherent power to make or enter particular order involved and such a judgment may be attacked at any time, either directly or collaterally, People v. Wade, 506 N.W.2d 954 (Ill. 1987).

Void judgment may be defined as one in which rendering court lacked subject matter jurisdiction, lacked personal jurisdiction, or acted in manner inconsistent with due process of law Eckel v. MacNeal, 628 N.E.2d 741 (Ill. App.Dist. 1993).

Void judgment is one entered by court without jurisdiction of parties or subject matter or that lacks inherent power to make or enter particular order involved; such judgment may be attacked at any time, either directly or collaterally People v. Sales, 551 N.E.2d 1359 (Ill.App. 2 Dist. 1990).

Res judicata consequences will not be applied to a void judgment which is one which, from its inception, is a complete nullity and without legal effect, Allcock v. Allcock, 437 N.E.2d 392 (Ill.App.3 Dist. 1982).

Void judgment is one which, from its inception is complete nullity and without legal effect *In re Marriage of Parks,* 630 N.E.2d 509 (Ill.App. 5 Dist. 1994).

Void judgment is one entered by court that lacks the inherent power to make or enter the particular order involved, and it may be attacked at any time, either directly or collaterally; such a judgment would be a nullity. People v. Rolland, 581 N.E.2d 907 (Ill.APp. 4 Dist. 1991).

Void judgment under federal law is one in which rendering court lacked subject matter jurisdiction over dispute or jurisdiction over parties or acted in manner inconsistent with due process of law or otherwise acted unconstitutionally in entering judgment, U.S.C.A. Const. Amend. 5, Hays v. Louisiana Dock Co., 452 N.E.2d 1383 (Ill App. 5 Dist. 1983).

A void judgment has no effect whatsoever and is incapable of confirmation or ratification, Lucas v. Estate of Stavos, 609 N.E.2d 1114, rehearing denied, and transfer denied (Ind. App. 1 Dist. 1993).

Void judgment is one that from its inception is a complete nullity and without legal effect Stidham v. Whelchel, 698 N.E.2d 1152 (Ind. 1998).

Relief from void judgment is available when trial court lacked either personal or subject matter jurisdiction, Dusenberry v. Dusenberry, 625 N.E.2d 458 (Ind.App. 1 Dist. 1993).

Void judgment is one rendered by court which lacked personal or subject matter jurisdiction or acted in manner inconsistent with due process, U.S.C.A. Const. Amends. 5, 14, Matter of Marriage of Hampshire, 896 P.2d 58 (Kan.1997)

Judgment is void if court that rendered it lacked personal or subject matter jurisdiction; void judgment is nullity and may be vacated at any time, Matter of Marriage of Welliver, 869 P.2d 653 (Kan. 1994).

A void judgment is one rendered by a court which lacked personal or subject matter jurisdiction or acted in a manner inconsistent with due process, In re. Estate of Wells, 983 P.2d 279, (Kan.App. 1999).

Void judgment is one rendered in absence of jurisdiction over subject matter or parties, 310 N.W.2d 502, (Minn. 1981).

A void judgment is one rendered in absence of jurisdiction over subject matter or parties, Lange v. Johnson, 204 N.W.2d 205 (Minn. 1973).

A void judgment is one which has merely semblance, without some essential element, as when court purporting to render it has no jurisdiction, Mills v. Richardson, 81S.E.2d 409 (N.C. 1954).

A void judgment is one which has a mere semblance, but is lacking in some of the essential elements which would authorize the court to proceed to judgment, Henderson v. Henderson, 59 S.E.2d 227, (N.C. 1950).

Void judgment is one entered by court without jurisdiction to enter such judgment, State v. Blankenship, 675 N.E.2d 1303, (Ohio App. 9 Dist. 1996).

Void judgment, such as may be vacated at any time is one whose invalidity appears on face of judgment roll, Graff v. Kelly, 814 P.2d 489 (Okl. 1991).

A void judgment is one that is void on face of judgment roll, Capital Federal Savings Bank v. Bewley, 795 P.2d 1051 (Okl. 1990).

Where condition of bail bond was that defendant would appear at present term of court, judgment forfeiting bond for defendant's bail to appear at subsequent term was a void judgment within rule that laches does not run against a void judgment, Com. V. Miller, 150 A.2d 585 (Pa.Super. 1959).

A void judgment is one in which the judgment is facially invalid because the court lacked jurisdiction or authority to render the judgment, State v. Richie, 20 S.W.3d 624 (Tenn. 2000).

Void judgment is one which shows upon face of record want of jurisdiction in court assuming to render judgment, and want of jurisdiction may be either of persons, subject matter generally, particular question to be decided or relief assumed to be given, State ex re. Dawson v. Bomar, 354 S.W.2d 763, certiorari denied, (Tenn. 1962).

A void judgment is one which shows upon face of record a want of jurisdiction in court assuming to render judgment, Underwood v. Brown, 244 S.W.2d 168 (Tenn. 1951).

Void judgment is one which has no legal force or effect whatever, it is an absolute nullity, its invalidity may be asserted by any person whose rights are affected at any time and at any place and it need not be attacked directly but may be attacked collaterally whenever and wherever it is interposed, City of Lufkin v. McVicker, 510 S.X.2d 141 (Twx.Civ.App.-Beaumone 1973).

A void judgment, insofar as it purports to be pronouncement of court, is an absolute nullity, Thompson v. Thompson, 238 S.W.2d 218 (Tex.Civ.App.-Waco 1951).

A void judgment is one that has bee procured by extrinsic or collateral fraud, or entered by court that did not have jurisdiction over subject matter or the parties, Rook v. Rook, 353 S.E. 2d 756 (Va. 1987).

A void judgment is a judgment, decree, or order entered by a court which lacks jurisdiction of the parties or of the subject matter, or which lacks the inherent power to make or enter the particular order involved, State ex re. Turner v. Briggs, 971 P.2d 581 (Wash.App.Div. 1999).

A void judgment or order is one that is entered by a court lacking jurisdiction over the parties or the subject matter, or lacking the inherent power to enter the particular order or judgment, or where the order was procured by fraud, In re Adoption of E.L., 733 N.E.2d 846, (Ill. APp. 1 Dist. 2000).

Void judgments are those rendered by court which lacked jurisdiction, either of subject matter or parties, Cockerham. v. Zikratch, 619 P.2d 739 (Ariz. 1980).

Void judgments generally fall into two classifications, that is, judgments where there is want of jurisdiction of person or subject matter, and judgments procured through fraud, and such judgments may be attacked directly or collaterially, Irving v. Rodriquez, 169 N.E.2d 145, (Ill. app. 2 Dis. 1960).

When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory, Orner. V. Shalala, 30 F.3d 1307 (Colo. 1994).

Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, must be set aside, Jaffe and Asher v. Van Brunt, S.D.N.Y.1994, 158 F.R.D. 278.

A "void" judgment, as we all know, grounds no rights, forms no defense to actions taken thereunder, and is vulnerable to any manner of collateral attack (thus here, by). No statute of limitations or repose runs on its holdings, the matters thought to be settled thereby are not res judicata, and years later, when the memories may have grown dim and rights long been regarded as vested, any disgruntled litigant may reopen old wound and once more probe its depths. And it is then as though trial and adjudication had never been. Fritts v. Krugh, Supreme Court of Michigan, 92 N.W.2d 604, 354 Mich. 97 (10/13/58).

6. In accordance with Federal Rules of Criminal Procedure Rule 32 k (1) it states:

(k) JUDGMENT.
(1) *In General.* In the judgment of conviction, the court must set forth the plea, the jury verdict or the court's findings, the adjudication, and the sentence. If the defendant is found not guilty or is otherwise entitled to be discharged, the court must so order. The judge must sign the judgment, and the clerk must enter it.

The court concludes that the alleged defendant was not afforded findings in accordance with this procedural rule and thus was denied both substantive and

procedural due process. The bench judge is solely responsible for the findings of a non-jury trial. It appears that District Judge Gary A. Fenner has not followed court procedure and stated the findings of the alleged defendants guilt that he ordered. To deny and ignore procedural rules shows a blatent disrespect for court procedure, the laws of the land, and has made the courtroom of District Judge Gary A. Fenner a place of inquisition not unlike the Salem Witch Trials where just because they say so you are guilty. No facts, no competant fact witness, no person with standing and no evidence needs to be produced to pass judgment on the ones that are unwilling to sacrifice their faith and pray to the almighty robed man sitting at the bench. The alleged defendant only prays to his creator; all others are inferior. Real judges know the law and do not rule on statutes and codes; only Executive Administrators rule on statues and codes.

7. **A COURT MUST NOTICE ERROR "AT ANY TIME": F.R.Cr.P. 12 (b)(2)**

> Failure of an indictment to allege a violation of a valid criminal statute means it is **legally insufficient**. According to *Hughes v. Thompson*, 415 US 1301, 1302, 39 L.Ed.2d 93, 95 (1974): "[u]nder the Federal Rules of Criminal Procedure the question of the sufficiency of the indictment "shall be noticed by the court at any time.' Rule 12 (b)(2)". (end of quote *Hughes v. Thompson*)
>
> See *U.S. v. Ropp*, 347 F.Supp.2d 831, 833 (C.D.Cal. 2004): "[Rule 12] apparently permits a defendant to move to quash an indictment for failure to state an offense. *Ex Parte Parks*, 93 US 18, 20 23 L.Ed. 787 (1876). Thus, if no statute makes the alleged offense a crime, a defendant may challenge that defect under Rule 12." (end quote *U.S. v. Ropp*.) *Ex Parte Parks*, cited in *Ropp*, held:
>
> "Whether an act charged in an indictment is or is not a crime by the law which the court administers (in this case the statute law of the United States) is a question which has to be met at almost every stage of criminal proceedings; on motions to quash the indictment, demurrers, or on motion to arrest judgment, etc." (end quote *Ex Parte Parks*)

Therefore, the prosecutor and the judge should take **mandatory judicial notice** that the statutes of which defendants were ostensibly convicted were **legally non-existent** since the 18 U.S.C. criminal statutes of 1948 were not re-numbered, or the courts had no subject-matter jurisdiction over the crimes, because 18 U.S.C. § 3231 has not existed since 1948 because no quorum existed

to pass the statute on May 12, 1947 when the House voted on the bill and no quorum existed on June 23, 1948 when the Speaker of the House and President pro tempore of the Senate signed the alleged bill.

L. RULE 60(b) (ERROR CORAM NOBIS) MOTION IS CONTINUATION OF A CRIMINAL CASE, NOT NEW CASE UNDER A NEW (CIVIL) DOCKET NUMBER, OR ALTERNATIVELY, PETITIONER HAS RIGHT UNDER WRITTEN ALLOCUTION IN LIEU OF SENTENCING TO CHALLENGE THE JURISDICTION OF THE COURT

U.S. v. Morgan, 346 US 502, 520, 98 L.Ed. 248, 261 (1954) held that a motion under Error Coram Nobis is a continuation of a criminal case:

"We therefore treat the record as absolutely presenting a motion in the nature of a writ of error coram nobis enabling the trial court to properly exercise its jurisdiction. *Adams v. U.S.*, 317 US 269, 272, 87 L.Ed. 268, 271, 63 S.Ct. 236. 143 ALR 435. (Note 4)."
(and quote *U.S. v. Morgan*) *Morgan*, 98 L.Ed, at 271, note 4:

"Such a motion is a step in the criminal case and not, like habeas corpus where relief is sought in a separate case and record the beginning of a separate civil proceeding. *Kurtz v. Moffit*, 115 US 487, 494, 29 L.Ed. 458, 459, 6 S.Ct. 148. While at common law the writ of error coram nobis was issued out of chancery like other writs, Stephens, Principles of Pleading 3d Am. Ed. 142, the procedure by motion in the case is now the accepted American Practice. *Pickett's Heirs v. Legerwood*, (U.S.) 7 Pet 144, 147, 8 L.Ed. 638, 639; *Wetmore v. Karrick*, 205 US 141, 151, 51 L.Ed. 745, 748, 27 S.Ct. 434; *U.S. v. Mayer*, 235 US 55, 67, 59 L.Ed. 129, 135, 35 S.Ct. 16. As it is such a step, we do not think that Rule 60(b), Fed. Rules of Civ. Proc., expressly abolishing the writ of error coram nobis in civil cases, applies." (end quote Note 4, *U.S. v. Morgan*)

Because the alleged Defendant is a non-corporate entity, and is not registered with any Secretary of State as a CORPORATION, the Prosecution has FAILED to state a claim to which relief can be granted under 12(b) (6). Therefore this matter must be dismissed for lack of political, personam, subject matter jurisdiction, and Venue under the 11th Amendment.

A "CONVICTION" BASED ON AN INVALID STATUTE IS VOID
From Ex Parte Siebold, 100 US 371, 374, 25 L.Ed. 717, 718 (1880) :

"…we are clearly of opinion that the question raised in the cases before us is proper for consideration on habeas corpus. The validity of the judgment is assailed on the ground that the Acts of Congress under which the indictments were found are unconstitutional. If this position is

well taken, it affects the foundations of the whole proceedings. An unconstitutional law is void, and is as no law. An offense created by it is not a crime. A conviction under it is not merely erroneous, but it is illegal and void and cannot be a legal cause of imprisonment." (end quote Ex Parte Siebold).

Ex Parte Yarbrough, 110 US 651, 653, 28 L.Ed. 274, 274 (1884) held:
"…it is equally well settled that when a prisoner is held under the sentence of any court of the United States in regard to a matter wholly beyond or without the jurisdiction of that court, it is not only within the authority of the Supreme Court but it is its duty to inquire into the cause of commitment when the matter is properly brought to its attention, and if found to be as charged, a matter of which such court had no jurisdiction, to discharge the prisoner from confinement. Ex Parte Kearney, 7 Wheat, 38, Ex Parte Well, 18 How, 307 [59 US, XV], 421]; Ex Parte Lange, 18 Wall, 163 [85 US, XXI. 872]; Ex Parte Parks, 93 US, 18 [XXIII, 787]."
(end quote Ex Parte Yarbrough)

A VOID JUDGMENT IS A LEGAL NULLITY

As stated by Vallely v. Northern F. & M. Ins. Co., 254 US 348, 353-54, 65 L.Ed. 297, 300 (1920):
"Courts are constituted by authority, and they cannot go beyond the power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal. Elliot v. Peirsol, 1 Pet. 328, 340, 7 L.Ed. 164, 170; Old Wayne Mut. Life Asso. v. McDonough, 204 US 8, 51 L.Ed. 345 [(1907)]."
(end quote Vallely v. Northern)

Old Wayne, supra, 204 US at 16, 51 L.ed. at 348 stated: "Chief Justice Marshall had long before observed in Rose v. Himely, 4 Cranch, 241, 269, 2 L.Ed. 608, 617, that, upon principle, the operation of every judgment must depend on the power of the court to render that judgment. In Williamson v. Berry, 8 How 495, 540, 12 L.Ed. 1170, 1189 [(ca. 1805)], it was said to be well settled that the jurisdiction of any court exercising authority over a subject "may be inquired into in every other court when the proceedings in the former are relied upon and brought before the latter by a party claiming the benefit of such proceedings," and that rule prevails whether "the decree or judgment has been given in a court of admiralty, chancery, ecclesiastical court, or court of common law, or whether the point ruled has arisen under the laws of nations, the practice in chancery, or the municipal laws of states."(end quote Old Wayne v. McDonough)

According to Long v. Shorebank Development Corp, 182 F.3d 548, 561 (7th Cir. 1999):
"A void judgment [includes] judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment or an order

procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court."(end quote Long v. Shorebank)

A "void judgment" cannot become "final", as it is a legal nullity. A judgment which is void can be (wrongly) BELIEVED to be "final", for a time, but that does not protect that judgment from attack based on its voidness.To conclude otherwise would amount to declaring that courts' mere belief that the statute is valid makes that statute valid, which amounts to a self-fulfilling prophecy.

Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties", Wahl v. Round Valley Bank, 38 Ariz 411, 300 P. 955 (1931); Tube City Mining and Milling Co. v. Otterson, 16 Ariz. 305, 146 P. 203 (1914); and Milliken v. Meyer, 311 US 457, 85 L.Ed. 278 (1940) .

A void judgment is one which, from its inception, was a complete nullity and without legal effect, Holstein v. City of Chicago, 803 F.Supp. 205 (N.D. Ill 1992), affirmed.29 F.3d 1145 (7th Cir. 1994). A void order may be attacked, either directly or collaterally, at any time, In Re Estate of Steinfeld, 630 N.Ed.2d 801, cert. den. sub nom Steinfeld v. Hoddick, 513 US' 809, 130 L.ed.2d 17 (1994) .

Fritts v. Krugh, Supreme Court of Michigan, 92 N.W.2d 604, 354 Mich 97 stated:
"A 'void' judgment, as well all know, grounds no rights, forms no defense to actions taken thereunder, and is vulnerable to any manner of collateral attack. No statute of limitations or repose runs on its holdings, and the matters though to be settled thereby are not res judicata, and years later, when the memories may have grown dim and rights long been regarded as vested, any disgruntled litigant may reopen the old wound and once more probe its depths. And it is then as though trial and adjudication had never been."(end quote Fritts v. Krugh)

THERE IS NO TIME LIMIT ON ATTACK ON VOID JUDGMENT

Austin v. Smith, 312 F.3d 343 (D.C. Cir. 1962) held:
"Moreover, the Rule [60(b)] places no time limit on an attack upon a void judgment, nor can such a judgment acquire validity because of laches on the part of him who applies for relief form it. 2 Baron & Holtzoff, Federal Practice and Procedure 1327 (1958).

THE COURT AND THE PROSECUTION HAVE PROCEEDED IN FRAUD
*The first issue of fraud is the deception of the Court's proper Name from that of the People's proper Constitutional court to that of the corporation court name.
a) the fact that the petitioner has been denied the use of constitutionally protected rights under the Bill of Rights, and

b) the fact that the Petitioner has been denied the use of this States' and the federal statutory laws as a defense, and
c) and the denial of the use of Acts of Congress, and
d) that this action is a direct violation of the Clearfield Trust Doctrine.

*The second issue of fraud is that "there is but one cause of action and that is civil," and this Court has this alleged defendant in a "criminal action."

*The third issue of fraud is that all criminal action comes under Title 50 USC, chapter 3, Alien Enemy, in Appendix section 23, Jurisdiction of the United States court and judges.
a) This Court has fraudulently allowed the prosecution and attorneys in declaring (or assuming) this Petitioner is an "enemy of the State" by the use of the "State of Emergency," under
b) The 1933 national State of Emergency clause resulting in the kidnapping and extortion with intent to cause harm to this petitioner, and
c) This was not disclosed to the petitioner by the Court, the prosecution or by the attorney/s at the time of arraignment, trial or sentencing, and, see:

TITLE 50, APPENDIX App. > TRADING WITH THE ENEMY ACT OF 1917, § 21
§ 21. Claims of naturalized citizens as affected by expatriation
The claim of any naturalized American citizen under the provisions of this Act shall not be denied on the ground of any presumption of expatriation which has arisen against him, under the second sentence of section 2 of the Act entitled “An Act in reference to the expatriation of citizens and their protection abroad,” approved March 2, 1907, if he shall give satisfactory evidence to the President, or the court, as the case may be, of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although desiring to return, has been prevented from so returning by circumstances beyond his control.

*The fourth issue of fraud is that the Court, the prosecution and the attorney all have full knowledge of the 1959 Executive Order 10834 that placed this Court under the State of Emergency and under jurisdiction the presidential flag and of military jurisdiction.
a) This Court and its Court officers are in violation of the Military Commission Act, and
b) in violation of the General Orders 100 under the Lieber Code (“INSTRUCTIONS for the GOVERNMENT OF ARMIES of THE UNITED STATES IN THE FIELD” prepared by Francis Lieber, LL.D., (Originally issued as GENERAL ORDERS No. 100, Adjutant General's Office, 1863)), and
c) of Executive Order 10834, Sec. 24.
(a) The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause

which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

In addition to the above conclusions by proceeding in a cause where all action and void, by permitting heresay evidence and denying the alleged defendant the right secured by the constitution to submit a subpeona for records relating to this cause the prosecutor and the judge have both commited “Interference with commerce by threats or violence” 18 USC 1951.

Allocution:
During the moot trial the alleged defendant was denied exculpatory evidence such as the court not answering motions, notices, affidavits, allowing witnesses, etc. The alleged defendant has kept a detailed list of such omissions, errors, and due process denial during the trial, especially constitutional guarantees.
FOR THE RECORD YOUR HONOR: I am a Man, living upon the land and speaking as only a Man can. I was created in the image of Yashua under the authority of the redeemer, Jesus Christ with all of My senses intact. I am canceling the conviction and all appearances on My part and now cancel any and all contracts, entered into by Me, knowingly or unknowingly by any methods including but not limited to verbal, by assent, consent, presumption, assumption, deception, threat, duress, coercion, fraud, fiction, fantasy or illusions, or any other method, including words of art, magic, and sophistry, casuistry or out right lying, or by specious acts of fallacious, deceptive, delusive, misleading, apparent, illusive, illusory, ostensible, practice of law.

(a) These proceedings have failed to produce evidence of an injured party.
(b) These proceedings have failed to produce an affidavit of verified complaint, or the existence of a complaining party.
(c) These proceedings have failed to produce an injured party onto the witness stand for testimony.
(d) These proceedings have failed to produce and to state a claim upon which relief can be granted.
(e) These proceedings have failed to produce an honorable ruling, therefore the court could rule only by an undisclosed presumption of an assumed intention, and this may be deemed the practice of witchcraft by a Satanic Cabal.
(f) These proceedings – and this court – have now lost all jurisdiction by it's denial of due process.

I have not violated Yashua's law. I have not caused an injury to another living man. This would be a violation of the Royal law of love your neighbor as yourself, or man's interpretation "Do unto others as you would have them do unto you". I have not committed a crime, and there

is nothing on which to convict Me, thus the conviction is null and void. And, any Bonds affiliated or associated with this case, whether they were issued with the indictment in the form of a bid bond, or as an appearance bond, or as a performance bond which have been written as a result of this procedure – and any other bonds written in any way, shape or form whatsoever – I hereby now cancel, terminate, discharge, dismiss, deactivate, eradicate, nullify, quash, rescind, repeal, revoke, abrogate, abolish, and expunge – and I forbid the commercial use of My name and likeness for profit, as all Bonds created, whether on the record or not, are void ab initio as only I, a Man can cause.

I do not accept any offer to, nor do I give consent to, nor will I go to jail, go to prison, pay or discharge any fines, fees, court costs, nor taxes of any kind.

I do not accept nor consent to have My rights blocked or impeded in any way, shape, or form. I do not accept any offer, nor consent to have My body or possessions seized or confiscated or used by anyone or their agent for their own use, or for the benefit of another. I do not accept any offer nor do I consent to probation, parole, pre- or post-trial release, or any other form of supervision imposed for this matter or in association with this matter which may be attempted to be linked with or in causation with this matter, or placed twice in jeopardy for the same pretended crime.

I, this man, [Denny-Ray:Hardin], reserve all My natural God-given unalienable birth rights, waiving none, ever – as all is conditional upon My receipt of your written statement of claims and proof of claim to the contrary under your bond of office and penalties of perjury.

My public business here is completed, perfected, discharged, accomplished, dismissed, concluded, terminated and, as Jesus Christ our Lord and Savior stated: FINISHED!

The court finds that because of the lack of due process; both substantive and procedural; because of the fraud involved in this cause by both the judge and the prosecutors; because of the non-existance of a person of standing or a competant fact witness that this cause is void as a matter of law, This case is immediately to be void and the release of the living man Denny-Ray:Hardin should be released immediately to prevent further injury.

IT IS SO ORDERED.

SUBMITTED BY AFFIDAVIT

Affiant, **Denny-Ray:Hardin**, Sui Juris, a natural Citizen of the republic, living in the republic, a common man of the Sovereign People, does swear and affirm that Affiant has scribed and read the foregoing facts, and in accordance with the best of Affiant's firsthand knowledge and conviction, such are true, correct complete and not misleading, the truth, the whole truth and nothing but the truth.

This Affidavit is dated February 10, 2012

Explicitly All Rights explicitly reserved UCC 1-308/1-207

Denny-Ray: Hardin, Sui Juris
Care of postal service address, 2450 Elmwood Avenue, Kansas City, Missouri republic, Zip exempt, America without the US corp.®, Phone: 816 231 2258

CERTIFICATE OF SERVICE

I,Denny-Ray:Hardin, Sui Juris hereby state that on 10th day of February, 2012 that a true and correct copy of this finding of moot, FINDING OF MOOT , FINDING OF void judgment, sentencing and commitment,Finding of continuing acts of "conspiracy against rights" and "Treason"was served postage prepaid to the following created persons:

Person of BRIAN PATRICK CASEY/ PATRICK DALY, US Attorney's and Agent's
400 East Ninth Street, 5th Floor
Kansas City, Missouri 64106

Explicitly All Rights explicitly reserved UCC 1-308/1-207

Denny-Ray: Hardin, Sui Juris