

**AFFIDAVIT of REBUTTAL and DEMAND  
OF ACCESS TO A PUBLIC GRAND JURY**

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To: Benjamin Settle  
Ninth District Federal Judge  
United States Courthouse  
1717 Pacific Avenue, Room 3100  
Tacoma, WA  
98402-3200

CC To:  
Fort Lewis Judge Advocate General  
Col. Kercher  
Fort Lewis, Washington

McCord Judge Advocate General  
67<sup>th</sup> Air Lift Wing  
Lt. Col. Tiffany Dawson  
McCord Air Force Base, Washington

9<sup>th</sup> District Judge Robert J. Bryan  
9<sup>th</sup> District Judge Ronald B. Leighton  
9<sup>th</sup> District Chief Magistrate Judge Karen L. Strombom  
9<sup>th</sup> District Magistrate Judge J. Richard Creatura  
United States Courthouse  
1717 Pacific Avenue, Room 3100  
Tacoma, WA 98402-3200  
Others not listed, including all defendants listed on the Criminal Complaint

From: David A. Darby  
Flesh and Blood Sovereign Free man  
PO Box 772  
Amboy, Washington  
Zip Exempt, Non Domestic Non Federal District, Non Federal Employee

January 13, 2013

Subject: RE: Letter of Dismissal CASE NO. 12-MC-5000BHS Dated 10<sup>th</sup> of February, 2012.

Attention Judge Settle, be advised:

**IN THE PUBLIC COURT OF THE UNITED STATES OF AMERICA – THIS IS  
A FIRST AMENDMENT DEMAND ACCESSING A PUBLIC GRAND JURY  
AND AN  
AFFIDAVIT OF PUBLIC REBUTTAL OF ORDER DISMISSING COMPLAINT**

1 **NOTICE TO ALL BONDING COMPANIES**

2 I, David A. Darby, **DEMAND**<sup>[1]</sup>, pursuant to **MANDATORY 18 USC 4** and the  
3 **First Amendment Right to Petition the Government for a Redress of Grievances**,  
4 that I be granted the opportunity to present, before the civil and criminal authority<sup>[2]</sup>  
5 known as the United States Grand Jury<sup>[3]</sup>, a Criminal Complaint by Affidavit reporting  
6 an infamous crime.

7 The specific purpose of this appearance, to testify before the Grand Jury, is to obtain a  
8 **PRESENTMENT** from that Grand Jury, to cause a prosecution of the Defendants named  
9 in the said Criminal Complaint.

10 [A copy of the Criminal Complaint is available as Case No. 12-MC-5000BHS 9<sup>th</sup> District  
11 Federal Court, Tacoma, Washington]

12 <sup>[1]</sup> I use the word “DEMAND” because both the public and I are flesh-and-blood  
13 Defendant parties, NOT corporate fictions, injured by the said infamous crime.

14 <sup>[2]</sup> civil and criminal authority, or, if necessary, before the U.S. Military - see 18 USC 4.

15 <sup>[3]</sup> the Grand Jury of the 9<sup>th</sup> U.S. District for the District of Washington, at Tacoma.

16 **The Issue Being Brought Before The Grand Jury**

17 On January 4, 2012, I, David A. Darby, filed a fifty-three page Criminal  
18 Complaint, against numerous Washington State officers and judges pursuant to  
19 **18 USC 4**, despite the hazard of retaliation.

20 I filed the said Criminal Complaint with the United States Federal Court, 9<sup>th</sup>  
21 District Located at Tacoma, Washington, at CASE NO.12-MC-5000BHS.

22 I filed the said Criminal Complaint as an **Affidavit of Accusation** given under  
23 Oath, to the United States Government.

24 The Criminal Complaint should have been presented to the Grand Jury by the  
25 Judge that received the Criminal Complaint, Judge Benjamin H. Settle.

26 On February 10, 2012, United States District Court Judge Benjamin H. Settle  
27 unlawfully summarily dismissed my Criminal Complaint. Judge Settle ended his  
28 dismissal ruling by stating:

29 **ORDER: Page 2 Lines 11 -13:**

30 **Quote:** “Therefore, it is hereby ORDERED that Darby’s complaint is DISMISSED and  
31 this case shall be closed. DATED this 10<sup>th</sup> day of February, 2012.”

32 [A copy of his two-page ORDER DISMISSING COMPLAINT is attached / annexed to  
33 this instrument as Exhibit 1.]

34 The ORDER DISMISSING COMPLAINT will be used as the basis of a point-  
35 for-point rebuttal of the ORDER, in this case a mirror brief.

1 **The Rebuttal**

2  
3 **A Rebuttal of the ORDER DISMISSING COMPLAINT**

4  
5 The ORDER DISMISSING COMPLAINT hereinafter referred to as ORDER,  
6 will be used as the basis of this point-for-point rebuttal of the ORDER, in this case a  
7 mirror brief.

8 **ORDER - Page 1 Lines 1-10**

9 **Quote:** The Heading. Setting:

10 DAVID A. DARBY, Plaintiff, v. GREG KIMSEY, et al., Defendants.

11 CASE NO. 12-MC-5000BHS

12 **COMMENT:** This comment will be postponed until it is relevant. (See – Page 15)

13  
14 **ORDER: - Page 1 Lines 11-13**

15 **Quote:** Judge Settle: “This matter comes before the Court *sua sponte* on review of  
16 Plaintiff David A. Darby’s (“Darby”) complaint (Dkt.1).”

17 **COMMENT:** “sua sponte” means, “of his or its own will or motion; voluntarily;  
18 without prompting or suggestion.” - Black’s Law Dictionary

19 This was not a “review”; it was a summary trial.

20 Further comment will be postponed until it is relevant. (See – Page 16)

21  
22 **ORDER - Page 1 Lines 14-16:**

23 **Quote:** Judge Settle: “On January 4, 2012, Darby filed a fifty-three page “criminal”  
24 complaint against numerous Washington State officers and judges, including all justices  
25 of the Washington Supreme Court. Dkt. 1.”

26 **COMMENT:** True. Further comment will be postponed. (See – Page 16)

27  
28 **The Crime**

29 The original and infamous crime committed against all of the sovereign natural  
30 born citizens of the State of Washington in 1889 was the substitution of the fraudulent  
31 1889 Washington State Constitution for the lawful original 1878 Washington State  
32 Constitution that is recognized in the Congressional record of the United States in

1 Statutes at large dated: January 28<sup>th</sup> 1889, of the 50<sup>th</sup> Congress, 2<sup>nd</sup> Session, Senate  
2 Miscellaneous Document Number 55.

3 Nothing can be found in the United States Congressional Record that the 1889  
4 Constitution of Washington State was ever submitted for the approval of the United  
5 States Congress.

6 The crime perpetuated by Washington State politicians since that time, even if  
7 only by ignorance, has had far reaching effects of fraud in today's world. The Criminal  
8 Complaint, which I filed, exposes this fraud.

9

10 **ORDER:** – Page 1 Lines 16 – 18:

11 **Quote:** Judge Settle: “Although the complaint is mostly incomprehensible, it appears that  
12 Darby alleges that these state actors have conspired to deprive Darby of his sovereignty  
13 and sovereign property rights.”

14 **COMMENT:** Issues: “incomprehensible”, “sovereignty”, “sovereign property rights”:

15

16 **“incomprehensible”**

17 **“too much information”**

18

19 It is difficult to comprehend the need for a complaint that accuses so many  
20 people.

21 Thomas Jefferson well stated the sad truth of the situation in the Declaration of  
22 Independence when he said: “People will suffer evils while evils are sufferable.”

23 The equally sad corollary is: “Politicians will play the political market for  
24 whatever the political market will bear, while they perceive it to be in their immediate  
25 best interest.”

26 When an individual brings forward a complaint to our present day politicians  
27 about a crime of this magnitude with its current effect on the private ownership of land  
28 and the consequent unlawful taxation of the private land in the State, their minds slip into  
29 denial of the crime because it is **too much information** for the mind to handle at one  
30 time.

31 The problem is not simple to correct, the sanctity of their office is at stake, they  
32 do not want to change anything or “rock the boat” by doing something which will anger  
33 politically powerful people above them in rank and therefore jeopardize their own job, do  
34 anything which might change the tax base of their paycheck, or work too hard to earn  
35 their paycheck. Their terror at, or dislike of, the situation is clearly understandable.

1 But procrastination becomes the thief of time, property, freedom, liberty, and peace.  
2 And so, **Judge Settle said, "...the complaint is mostly incomprehensible..."**

3

4 My Criminal Complaint is naturally lengthy because of the 133 YEAR history of  
5 the issue from the time of the commission of the original crime in 1889, and its effect  
6 throughout the years, up to the present time 2012. I provide an abundance of historical  
7 and legal information in support of the Criminal Complaint. I explain to each accused  
8 person, that I have made them a Defendant party because they voluntarily chose to be a  
9 party, to serve the public as a responsible compensated servant, a public servant knowing,  
10 and fully aware, that they must take action without delay or criminal neglect.

### 11 **The Foundation of Sovereignty and Sovereign Property Rights**

12 Sovereignty belongs only to responsible people. Here are the laws of responsibility.

13

### 14 **42 USC 1986 – The Brother’s Keeper /Good Samaritan Statute**

15 (The Spirit of the Law – Prevention should be by Reasonable Diligence.)

16 This Criminal Complaint was applied to terminate criminal behavior within the  
17 political system, and prevent future impositions of violations of the “**Peace** and **Dignity**  
18 of the people and the State” committed by the Defendants and their Accessory  
19 Accomplices, against America, denying the public their legal and lawful Constitutional  
20 remedies.

21

### 22 **18 USC 4 – The Brother’s Soldier/Civilian – Military Statute**

23 (The Letter of the Law – Prevention shall be by Reasonable Diligence.)

24 This Criminal Complaint was not, and is not, applied for light or transient reasons.  
25 This Criminal Complaint was not, and is not, intended to threaten, harass, hinder, or  
26 obstruct any lawful operations. It was, and is, for the purposes of obtaining lawful  
27 remedy.

28 (18 USC 4 – The Brother’s Soldier/Civilian – Military Statute)

29 I filed the Criminal Complaint to cause both the public and the politicians to give  
30 attention to this problem, and especially to inform the honorable individuals among them,  
31 that, they are empowered, by the law and its criminal process, 18 USC 4, to respond to  
32 the need to correct the current land law, before the situation degenerates into total state-  
33 wide government controlled feudalism, the direction in which it is most certainly going.

34 I have defined **individual sovereignty**, in part, as that economical, legal, political  
35 situation and condition which must exist for an individual, in order for that individual to

1 be able to stand in opposition to government sponsored feudalism and the consequences  
2 of feudalism, which was the old English class system of slavery. Feudalism was  
3 enforced by the power of the king and the Parliament, to legislate Bills of Attainder and  
4 Bills of Pains and Penalties, both of which are processes prohibited as unlawful by the  
5 Constitution for the United States of America at A1, S9, C2 (Article 1 Section 9 Clause  
6 2) and at A1, S10, C1 (Article 1 Section 10 Clause 1) (further abbreviated to 192/BA and  
7 101/ BA, respectively, with a zero being used to denote “section ten”).

8  
9 I raised the issue of **sovereignty**, in the Criminal Complaint because our  
10 forefathers based the original government of the United States of America on anti-  
11 feudalism, that is, **individual sovereignty**, and a system of **Constitutionally lawful**  
12 **conscription** in harmony with Article 1 Section 10 Clause 1 and the Fifth Amendment of  
13 the **1787 Constitution for the United States of America, both regarding Just**  
14 **Compensation.**

#### 15 **Two Complaints – Two Sovereignty Issues – Public & Individual**

16  
17 The Criminal Complaint is presented in two ways:

18  
19 **Firstly**, the Criminal Complaint: was presented to the government of the United  
20 States of America, the government which originally granted (contracted) the allodial  
21 Land Patent Rights, and was presented in behalf of the interests of the general public -- to  
22 protect the allodial Land Patent Rights of all **sovereign** citizens of the states from  
23 feudalism and unlawful taxation. The Criminal Complaint was presented by me serving  
24 in the public interest as a Proxy for those who have no voice or do not know how to cry  
25 out for help. (See Silent Weapons for Quiet Wars, page 8 – Descriptive Introduction of  
26 the Silent Weapon “Therefore, they do not know how to cry for help, and do not know  
27 how to associate with others to defend themselves against it.” See the Internet.)

28  
29 **Secondly**, the Criminal Complaint: was presented from and by me personally, a  
30 **sovereign free man**; sovereign because I am accepting the responsibility to do this for  
31 the public, without a legal representative. I also presented the Criminal Complaint on  
32 behalf of my own interests -- to protect my own allodial Land Patent Rights from  
33 corporate feudalism and unlawful taxation. This Criminal Complaint, was presented by  
34 me, **an individual sovereign free man**, as a directly insulted and injured Plaintiff party  
35 of interest. As the wisdom in the Bible says “Physician, heal thyself”. I will not ask any  
36 man to do what I will not do, nor will I ask him to conduct a first experiment.

37 The Judge might think of my effort as grandiose and question my authority to be a  
38 Proxy serving in the interest of the public, but my military oath “to defend this Nation

1 and its Constitution against all enemies both foreign and domestic”, enhanced by 18 USC  
2 4 and by my military service already rendered, trump the Judge’s obvious contempt for  
3 me and my attempt to fulfill my oath. My oath once given has never been retracted. No  
4 sovereign with any real sense of responsibility to his state and country has ever thought  
5 of retracting an oath that meant so much in its giving.

6 Under feudalism, the King rewarded the knights with Land Patents and made  
7 them Landlords to guarantee their military service to the king and to his nation. The  
8 Kings gave knights the status of landlords under feudalism as a reward for military  
9 service.

10 Technically pursuant to Title 18 Section 4 of the United States Code (18 USC 4)  
11 the lawful **Jurisdiction and Venue** of this case is military, firstly because the judge by  
12 abdicating his “throne” (his Lawful Responsibilities) defaulted power of the United  
13 States District Court to the United States Military, and, secondly, because the Land Patent  
14 arises from the government’s privilege to conscript citizens to be soldiers of the Military  
15 through the Selective Service. (All roads lead to Rome.) Therefore, the United States of  
16 America is obligated to also protect the land rights of those that serve this nation in times  
17 of war and peace. The Judge in this case, belongs before a courts martial (military court)  
18 for treating a valid (18 USC 4) **Criminal Complaint** with contempt.

19 (See my military arguments listed on Pages 16 & 36 from the **Criminal Complaint.**)

### 20 21 **The Criminal Complaint**

22  
23 The **Criminal Complaint** of this matter before the 9<sup>TH</sup> district court was filed pursuant to  
24 **18 USC 4. Title 18 Section 4 of The United States Code (18 USC 4)** states as follows:

#### 25 26 **Title 18 Section 4 – (18 USC 4) Commission of a Felony**

27 **“Whoever, has knowledge of the actual commission of a felony cognizable by a court**  
28 **of the United States, conceals and does not as soon as possible make known the same**  
29 **to some judge or other person in civil or military authority under the United States,**  
30 **shall be fined under this title or imprisoned not more that three years or both.”**

31 Observe that 18 USC 4 is the surviving evidence of a once honorable  
32 constitutional government. 18 USC 4 is essential to the consistent and reliable operation  
33 of the Civil and Military authority of this Nation and its Justice System, hence the 18 USC  
34 4 phrase “to a judge or other person in civil or military authority”. There is an axiom of  
35 law, long known and often quoted, that “ignorance of the law is no excuse”. This axiom  
36 applies most strictly to government officers and government agents. No officer or agent  
37 of any government in this Nation has the liberty or authority of his/her person or official

1 position to make capricious interpretations of, or infringements of, the fundamental Code,  
2 18 USC 4, or its consequences of **duty to act**.

3  
4 **ORDER:** Judge Settle’s ORDER, Page 2 Lines 4, 5, and 6:

5 **Quote:** “In this case, Darby’s complaint has no basis in law or fact. First, there is no law  
6 allowing criminal complaints to be filed by private citizens or ...”

7 **COMMENT:** Judge Settle is technically correct in this statement as far as the strict  
8 definition of the word “allowing’ is used, but his statement is an attempt to inject a  
9 deception into the mind of the reader to limit the reader’s sense of his options, for it is  
10 also true that:

11 “There is no law disallowing criminal complaints to be filed by private citizens.”

12 Observe that 18 USC 4 does not allow the filing of criminal Complaints.

13 Observe that 18 USC 4 does not disallow the filing of criminal Complaints.

14 Observe that 18 USC 4 **mandates** the filing of Criminal Complaints under penalty  
15 of a fine and/or imprisonment for the failure to responsibly file Criminal Complaints.

16 Therefore, pursuant 18 USC 4, 18 USC 241, and 18 USC 242, it is a felony to  
17 interfere with or to retaliate against a person, for the lawful obedience to and exercise of  
18 this statute code.

19 Any attempt on the part of any person to interfere with the due process of a  
20 Criminal Complaint is subject to being added to the Criminal Complaint pursuant to  
21 **18 USC 3** as an accessory after the fact, if he/she has interfered with the due process of  
22 the Complaint:

23 by retaliation,

24 by threat of retaliation,

25 by whimsical, capricious, or contemptuous treatment of the Complaint,

26 by unjustified selective prosecution,

27 by failure to prosecute any officer or agent of the government for failure to perform his  
28 duties in a lawful manner.

29 The advantage of the criminal process being pursuant to 18 USC 4 is that, being a  
30 mandatory process, the government cannot charge a filing fee for presenting the Criminal  
31 Complaint or any other legal process required to satisfy 18 USC 4.

32 18 USC 4, 18 USC 241, and 18 USC 242 make it a criminal offense for a United  
33 States Attorney, U.S. Magistrate Judge, U.S. District Judge, U.S. Court Clerk, U.S.  
34 Marshal, or U.S. Military Judge Advocate General (JAG Officer) to refuse to freely  
35 receive a Criminal Complaint for filing, or to refuse to sign or stamp the



1 Plaintiff's/Accuser's copy of the complaint "Received" with date, time, signature or  
2 initial of the receiving Clerk.

3 Therefore, 18 USC 4 is usable by the common public citizen in the filing of  
4 Criminal Complaints against fraudulent, criminal, and/or treasonous, officers and agents  
5 operating unlawfully within or through the government. No Criminal Complaint against  
6 any government officer or any government agent can be dismissed by any government  
7 officer or any government agent without raising the question of a conflict of interest and  
8 a consequent corruption of the judgment, so the expunging of a Criminal Complaint  
9 against a government officer or government agent requires a public judgment by a fully  
10 informed and impartial public jury. This position in law is corollary to Article 3 Section 2  
11 Clause 3 of the Constitution for the United States of America, "The Trial of all Crimes  
12 shall be by Jury."

### 13 Criminal vs. Civil

14 Today, in the United States of America, the Criminal Complaint process is the  
15 only process that works, because judges can dismiss any civil case as frivolous on the  
16 slightest technicality, and the complaining party cannot win because he cannot prevent a  
17 repeat of the same tactic each time he corrects the offending technicality.

18 The court process includes capricious use of contempt charges and Motions in  
19 Limine, which chill or bar the giving of testimony and / or evidence in ones own defense.  
20 This changes a court of law into an inquisition, of the sort that imprisoned Galileo  
21 Galilei, to obtain a prescribed outcome that is sought by the corporate government. This  
22 renders the fully informed Jury Trial non-effective for civilian justice. There is a science  
23 governing social law which includes the obedience of the social scientist to the laws of  
24 nature and civilization. (See Case 2:10cv00053 that was summarily dismissed for lack  
25 of Jurisdiction from the 10<sup>th</sup> District Court, Darby v. Kimsey.)

26 Any Judge interfering with the processing of a Criminal Complaint by dismissing  
27 it as frivolous, is, in fact, acting as a prosecutor and as a one-person jury, and is thereby  
28 dishonoring the Criminal Complaint without lawful cause or findings of fact and  
29 conclusions of law, and without the fully informed hearing of it by a Grand Jury, all in  
30 violation of Article 3, Section 2, Clause 3 of the Constitution for the United States of  
31 America, and is therefore a domestic enemy of the United States of America, acting in  
32 violation of his/her Oath of responsibility to civilian society, to our armed services, and to  
33 the nation, and in violation of the Oath of Military Induction, which is as follows:

34 *"...to support and defend this nation, the United States of America and the*  
35 *Constitution of the United States of America against all enemies, foreign*  
36 *and domestic; that I will bear true faith and allegiance to the same; and*  
37 *that I will obey the orders of the President of the United States and the*  
38 *orders of the officers appointed over me, according to those regulations*

1           *and Uniform Code of Military Justice pursuant to the Constitution of the*  
2           *United States of America. **So help me God!***

3           In principle, The United States of America has a government of the people, by the  
4           people, for the people. The people do labor. The people pay taxes for an external security  
5           system, guaranteed by an honorable military system. The people pay taxes for an internal  
6           security system, guaranteed by an honorable justice system. If these two systems fail to  
7           be honorable, then all that remains to support the existence of this Nation is its people.

8           **Therefore, 18 USC 4** guarantees that the people will always have the right and the  
9           corresponding duty to file Criminal Complaints, by making the filing of a Criminal  
10          Complaint a **MANDATORY ACT**, with **failure to file as grounds for both a fine and**  
11          **imprisonment**.

12          The new civilian weapon against the Silent Weapon System is the default secured  
13          Criminal Complaint, which is a Criminal Complaint backed by a Contingent Commercial  
14          Lien which is activated contingent upon official default by contempt, neglect, and/or  
15          inaction. (see Silent Weapons for Quiet Wars on the Internet)

16          Bonding companies recognize these liens as a valid claim against a government  
17          officer's Performance Bond and Home Owner's Insurance Policy. Pursuant to 42 USC  
18          1994 and 18 USC 1581, the Government must pay for the excessive cost to the citizen for  
19          the public service of mandatory compliance, especially when it is hazardous to file the  
20          Criminal Complaint.

21          The truth is to be found in the Constitution for the United States of America at  
22          Article 1, Section 10, Clause 1, "No state shall pass any law impairing the Obligation of  
23          Contracts". There are more U.S. Supreme Court rulings on this constitutional provision  
24          than any other. This is not at all surprising because it applies to all of the states and to the  
25          United States Government and to all nations of the world. It is the basis of world trade,  
26          and the reason the Constitution, as a binding international trade treaty, was written.

27          A **Lien** is defined as an **Affidavit of Obligation of Contract**. Legitimately  
28          established Liens, unchallenged during the first three months of their existence, are said  
29          to be default matured to the rank of an account receivable. Liens unchallenged for three  
30          years on the international money market are said to be seasoned three years, and a solid  
31          asset.

32          Most of the monetary penalty in a criminal process, properly managed, goes to the  
33          public.

34          "Laverne Donald Hollenbeck incorporated The Sheriff's Posse Comitatus in  
35          Oregon, which was established as a public service to help citizens with their legal  
36          problems and to clean up the crooked operation of the local city, county, state, and United  
37          States Courts.

38          They carried corporation badges and identification cards and they had marked cars.

1 Multnomah County was operating under what was called “Home Rule” so instead of a  
2 Multnomah County Sheriff, they had a Public Safety Director. Hollenbeck was a very  
3 likeable and logical man, a shrewd strategist, with a military commission from the  
4 Korean War. The county officials wanted him to surrender the badges of the Sheriff’s  
5 Posse Comitatus Corporation, but he would not surrender the badges. So, Judge Alfred T.  
6 Sulmonetti put him into jail. Hollenbeck went on a hunger strike which lasted about 40  
7 days in the period of November and December of 1976. Hollenbeck had filed three  
8 Criminal Complaints in connection with his case and personally served them on nearly  
9 every office at the Capitol of the State of Oregon by the time he was jailed by Judge  
10 Sulmonetti. The fourth Criminal Complaint was filed while Hollenbeck was in jail on a  
11 hunger strike.

12

13 The company bonding Multnomah County, Oregon learned of the situation and **Ordered**  
14 Sulmonetti to release Hollenbeck immediately! Hollenbeck had gone into jail at about  
15 265 pounds and came out of jail at about 165 pounds. See The Oregonian articles.

16 U.S.A. ex rel/by Laverne Donald Hollenbeck vs. Judge Alfred T. Sulmonetti was valued  
17 at two million dollars by the company which bonded Multnomah County Oregon.  
18 Multnomah County would not discharge Judge Sulmonetti, so the company bonding  
19 Multnomah County terminated the Bond of Multnomah County in January 1977. No  
20 other bonding company would risk the liability, so, Multnomah County, Portland, Oregon  
21 had to dip into the public tax coffers to pay off the malpractice suits which they lost. This  
22 went on for two years, at which time they got caught dipping into the public tax coffers,  
23 and had to discharge Judge Sulmonetti in order to reestablish their credibility in the  
24 bonding world. Sulmonetti went to California to become the dean of law school.  
25 Hollenbeck made one call to the California law school and Sulmonetti was immediately  
26 fired from that job, He returned to the Multnomah County Court and begged a job, and  
27 got the job of counting parking tickets until the end of his life.” (Source: How to Create  
28 Currencies for Local Communities 200 pages, by Hartford Van Dyke)

29

30

### **Organized Crime in Government**

31

32 Organized crime and racketeering conducted by officers and agents within the  
33 government is extremely profitable.

34

35 The corrupt officers of the corporate government do not want citizens, lawyers, etc., to  
36 even think about the option of filing Criminal Complaints, because Criminal Complaints  
37 and the criminal process, correctly applied by the common citizens and honorable  
38 lawyers would quickly curb the criminal activities within the government, and the

1 criminal use of the public resources of the government, committed by said corrupt  
2 officers.

3

4 The current corrupt Federal Court problem, requiring a game plan of criminal self-  
5 protection, is as follows:

6 The civilian application of default secured Criminal Complaints, enforceable by  
7 contingent Liens, Liens activated contingent upon official criminal default by criminal  
8 contempt, criminal neglect, and/or criminal inaction filed against government officials  
9 because of their malfeasant criminal use of the courts, and collectable against official  
10 Performance Bonds, can stop the organized criminal use of the courts by corrupt  
11 government officials.

12

13 The corrupt officers of the corporate government must have a monopoly of the social  
14 power of the courtroom so that they can have the protection of “their own” courts and  
15 court system. To have the protection of that monopoly of power, they must deny to  
16 citizens, lawyers, and common attorneys, the opportunity to file Criminal Complaints.

17

18 Therefore, corrupt judges must secure the control of the Federal Court for the use of  
19 organized crime, by defeating the citizen’s application of the superior criminal procedure,  
20 the citizen’s application of Criminal Complaints, filed against the malfeasant criminal use  
21 of the courts by corrupt government officials.

22

23 **ORDER** – Page 1 Lines 23 – 27 and Page 2 Lines 1 – 3, 7 - 9

24 **Quote:** “A federal court may dismiss *sua sponte* pursuant to Fed. R. Civ. P. 12(b)(6)  
25 when it is clear that the plaintiff has not stated a claim upon which relief may be  
26 granted.” Etc. with regard to Civil Filings.

27 **COMMENT:**

28 Judge Settle lies about my Complaint by misrepresentation, by portraying my Criminal  
29 Complaint as a Civil Complaint, by referring to it as a civil process subject to Fed. R.  
30 Civ. P. 12(b)(6), to allow himself to construe my Criminal Complaint to be a Civil  
31 Complaint, so that he can summarily dismiss the newly “Civil-labeled” Complaint as  
32 frivolous, without endangering his Public Performance Bond. We now put this legal  
33 process game into slow motion. The Criminal Complaint is not against the State of  
34 Washington.

35

36

### **The Shell Game of a Court System**

1 **Controlled by Organized Crime**

2  
3 Let my Criminal Complaint be represented by a green pea.

4 Let Fed. R. Civ. P. 12(b)(6) be represented by a walnut shell.

5 Here is the corrupt court view:

6  
7 In a court system controlled by organized crime, Darby must not be allowed to state a  
8 claim using a criminal complaint.

9 This is accomplished by the judge substituting the application (appearance) of the inferior  
10 civil procedure Fed. R. Civ. P. 12(b)(6).

11 This is equivalent to hiding the pea by placing the walnut shell over the pea.

12 Then, wherever the walnut shell goes, to there also the pea will be forced to go.

13 Then the phrase “the plaintiff cannot state a claim upon which relief may be granted by  
14 the use of a criminal complaint” becomes simply “the plaintiff has not stated a claim  
15 upon which relief may be granted.”

16  
17 The judge goes on to label the Criminal Complaint as frivolous by saying, “A complaint  
18 is frivolous when it has no arguable basis in law or fact.” which translates, “We won’t  
19 allow him to argue on a criminal issue, so he won’t be allowed to argue any law or fact of  
20 interest to us, so he won’t be allowed to win, so in the end we can declare his complaint  
21 to be frivolous.”

22  
23 In support of the judge’s intent to summarily dismiss Darby’s Criminal Complaint, the  
24 Judge quoted from non-legislated court case law “Such a dismissal may be made without  
25 notice where the claimant cannot possibly win relief.” which translates, “We are in  
26 control of the court game, so he cannot possibly win, so we have the power if not the  
27 authority to summarily dismiss his complaint.”

28  
29 Judge Settle goes on to say, “Second, Darby cannot possibly win relief in the form of a  
30 commercial lien against the state of Washington for its alleged denial of his sovereignty.”

31 If all the other things that Judge Settle has said were true, then it would have been  
32 unnecessary for him to say anything about the Lien, because those things, if true, would  
33 have rendered the Lien impossible anyway.

34 Therefore, Judge Settle knows that he does not have the authority to dismiss the  
35 commercial lien that will go into effect after the three (3) month (Jewish) / ninety (90)

1 days (statutory) period has passed. Judge Settle has no lawful way to stop a criminal  
2 complaint without bringing it before a fully informed impartial jury.

### 4 The Rothschild Banking Empire

6 “The Rothschild Banking Empire controls almost all of the fractional reserve (slightly  
7 backed) money that is loan-laundered into circulation by the major banks in the major  
8 countries of the world (Bank of England, Bank of France, Bank of Spain, Bank Italy,  
9 Federal Reserve etc.).

10 Rothschild’s world famous statement is: “Give me control of a nation’s money, and I  
11 care not who makes its laws.”

12 The principal arm of the Rothschild Banking Empire in the United States of America is  
13 the Federal Reserve Corporation, with its debt collection arm titled exactly  
14 “Department of the Treasury” (not the United States Department of the Treasury), also  
15 known as the Internal Revenue Service, and its “charitable” arm, the “Social Security”  
16 Trust Fund, known as the Social Security Administration, or Social Security Bank, a  
17 Ponzi Scheme styled as an insurance system.

18 The Rothschild Banking Empire controls all of the fractional reserve (slightly backed)  
19 money that is loan-laundered into circulation by the Federal Reserve Corporation, loan-  
20 laundered to the Federal Government, loan-laundered into circulation by the banks in the  
21 UNITED STATES OF AMERICA, and which the UNITED STATES CONGRESS and  
22 the Social Security Administration spend-launder into circulation , so the Federal Reserve  
23 Corporation is the seat of all of the fractional reserve money which is laundered into  
24 circulation in every state of the UNITED STATES, and which therefore makes the  
25 Federal Government an alter ego corporation of the Federal Reserve Corporation, and  
26 makes each and every state government a satellite alter ego corporation of the corporate  
27 Federal Government.

28 The flag which flies over the UNITED STATES OF AMERICA above the “Stars and  
29 Stripes” is the Federal Reserve Note, the Rothschild fickle finger of fate, carried in  
30 almost every rear pocket wallet, made to appear “humbled” for the benefit of every  
31 common gullible but loyal Jewish American and Christian American by the line “In God  
32 We Trust”. (God vs. Mammon)

33 It is the objective of the Rothschild Government to control, and then to own, all U.S.  
34 land, as collateral, by an economically established feudalism.”

35 (See Internet: 1979 Silent Weapons For Quiet Wars, By Hartford Van Dyke);

36 (Also see American Biography (1967), Article about Wassily W. Leontief.);

1 (Also see Scientific American Magazine, (September 1980,) issue on economic  
2 development, page 207, by Wassily W. Leontief)

3 (Source: How to Create Currencies for Local Communities 200 pages, by Hartford  
4 Van Dyke)

5 You know a tree by the fruit which it bears, so you know a corrupt politician by his acts.

6 So, Judge Benjamin H. Settle, like so many other Federal Judges, works for the UNITED  
7 STATES branch of the Rothschild Banking Empire.

8 So, now you know the reason why my Criminal Complaint is being dismissed.

9 **Follow the money.**

10

11 **ORDER: - Page 2 Lines 9 – 11:**

12 **QUOTE:** Judge Settle says, “The basic premise of Darby’s complaint is that the state is  
13 a corporate entity, which is not the law and is wholly without merit.”

14 **COMMENT:** Judge Benjamin H, Settle finally proves that Darby’s Criminal Complaint  
15 is absolutely comprehensible, for he clearly arrives at the correct understanding of the  
16 basic premise of MY Complaint, that the State is a corporate entity, which has, through  
17 its staff, become an outlaw which is wholly without merit.

18 It’s all about money, so let us follow the money and see how it travels.

19

20 **Review of the Heading Page**

21

22 **ORDER - Page 1 Lines 1-10**

23 **Quote:** The Heading. Setting:

24 DAVID A. DARBY, Plaintiff, v. GREG KIMSEY, et al., Defendants.

25 CASE NO. 12-MC-5000BHS

26 **COMMENT:** Judge Settle also lied about my legal status in the court by placing my  
27 name in all-capital-letters instead of in upper-and-lower case letters, so that he could  
28 misrepresent me as a corporate legal fiction not lawfully capable of initiating a criminal  
29 complaint, instead of a flesh-and-blood person lawfully compelled pursuant to 18 USC 4  
30 to file a Criminal Complaint, an Affidavit signed and notarized on my own personal  
31 liability.

32

33 By changing the spelling of my name to all-capital-letters, and thus portraying me as a  
34 corporation, Judge Settle attempted to subject me, as a renamed “corporate person”, to a

1 judge-only / non-jury summary trial in violation of the public’s right and my right to have  
2 a criminal matter tried by a fully informed impartial jury guaranteed in all criminal  
3 actions, and to have the right to present my complaint directly to the grand jury in person.

4 There are no laws prohibiting an individual from presenting their case to the Grand Jury.

5  
6 **ORDER: - Page 1 Lines 11-13**

7 **Quote:** Judge Settle: “This matter comes before the Court *sua sponte* on review of  
8 Plaintiff David A. Darby’s (“Darby”) complaint (Dkt.1).

9 **COMMENT:** “*sua sponte*” means, “of his or its own will or motion; voluntarily;  
10 without prompting or suggestion.” - Black’s Law Dictionary

11 The Judge’s “*sua sponte*...review” was not a “review”; it was a summary judge-only  
12 trial, held in absentia, that is a trial without Darby present.

13 This dismissal acted in the nature of a Court’s Motion in Limine to limit my presentation  
14 of testimony and evidence unfavorable to those government officers and agents using the  
15 government offices to commit the said infamous crime.

16  
17 **ORDER - Page 1 Lines 14-16 Further Comment**

18 **Quote:** Judge Settle: “On January 4, 2012, Darby filed a fifty-three page “criminal”  
19 complaint against numerous Washington State officers and judges, including all justices  
20 of the Washington Supreme Court. Dkt. 1.”

21 **COMMENT:** True. The 53 pages of the Criminal Complaint took into consideration  
22 over 100 years of fraud and the facts surrounding the fraud. If the conditions were not  
23 explained, then the criminal complaint would not be taken seriously by anyone who read  
24 it. Without the history and the facts the criminal complaint would not be taken seriously.

25  
26 **ORDER: - Page 1 Lines 19 & 20**

27 **Quote:** Darby filed a “Land Patent” with the Clark County Auditor, Greg Kimsey, and  
28 requested that his property be removed from the tax rolls. *Id.* At 29. Mr. Kimsey denied  
29 Darby’s requests. *Id.*

30 **COMMENT:** True.

31 **ORDER: - Page 1 Lines 21 & 22**

32 **Quote:** “\$15,600,000 in damages as a commercial lien against the corporation  
33 Washington State. *Id.* At 50.”

34 **COMMENT:** Contingently / Conditionally true. The Fundamental Principal  
35 governing this process is: **“If righteousness is not rewarded, crime will prevail.”**



1 (18 USC 4, 42 USC 1986, 42 USC 1994, 18 USC 1581, 18 USC 241, 18 USC 242)

2 The total Value of the Commercial Lien of the Criminal Complaint at issue here, when  
3 you add the effect of all the Defendants together, that is, considered jointly, is  
4 \$15,600,000 in damage payments owed to the Public, including the Plaintiff. However,  
5 the Lien of \$15,600,000 due, will, firstly, be against the Defendants, who have been  
6 operating criminally in behalf the STATE, the employer of the defendants, and, will,  
7 secondly, be against the corporate STATE Government itself for the remaining balance  
8 due. The money obtained in this manner, for the public, must to be placed in a public  
9 trust for the benefit of Public, to be disbursed as a rebate of tax money, which should  
10 have been lawfully obtained and lawfully used by the government, instead of unlawfully  
11 obtained and unlawfully used by the government.

12 Such a trust institution would be called a Public Wealth Rebate Bank / Trust, which  
13 serves to guarantee Public oversight of the Government.

14

15 **CERTIFICATION**

16 I, \_\_\_\_\_, certify that the above Affidavit is True,  
17 Correct, Complete and Not Misleading, to the best of my Knowledge, So Help Me God.  
18 Signed: \_\_\_\_\_

19

20

NOTARY  
SEAL

[STATE] \_\_\_\_\_ ) s.s.:

[COUNTY] \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

The above signatory appears before me personally with picture ID  
and executes the forgoing instrument and acknowledges this to be his/her free act and  
deed.

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

*Notary Public*