

File this original

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JAN 13 2010

Notice to the Court Rule - E(8) Restricted Appearance

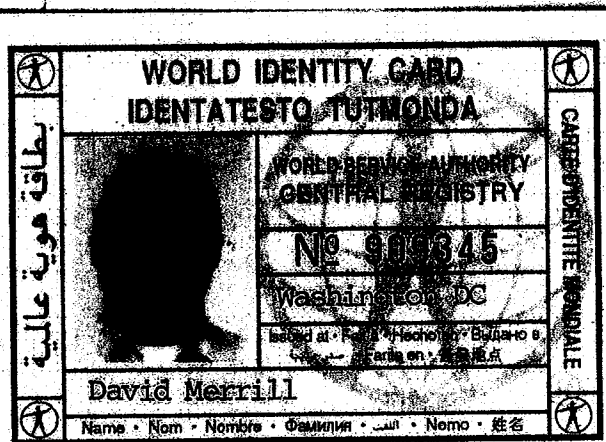
Case # 08-MC-0066 awaiting confirmation as # 09-CV-3001 <sup>REB/KM</sup> GREGORY C. LANGHAM  
CLERK

I feel that since the original filing – Doc 1 – in the original case said *Habeas Corpus of David Merrill* across the top, this matter should have been filed under habeas corpus. I have recently heard that there is a seldom referenced filing category for habeas corpus that costs \$5 and a miscellaneous category (#82 – habeas corpus). I opened 08-MC-0066 under habeas corpus for \$39 and this is a clerical error to move a habeas corpus into a civil suit.

The cause of action is denial of a speedy trial right by subscribers of fungible fidelity bonds John William SUTHERS and Kirk Stewart SAMELSON and the reason this is a habeas corpus is that I was imprisoned for a trial after an unlawful deferred prosecution. The category is *other contracts* because I like many Americans accept the oaths of office for value, agreeing to a bilateral binding contract with both parties that they will be respectful of the bills of rights found in the state and federal constitutions they swore before God to uphold.

Because both Robert Edward BLACKBURN #6317 and Kristen Louise MIX #15171 are *inactive* attorneys, I am willing to proceed to trial and present my cause and the perfected lien to a jury in the federal courthouse. However because I am not a federal employee I have no government-issued ID card to present to the security guard at the front door. I am the court of record and will have a camera and audio recorder on me so that I can keep an independent record of the proceedings. I will likely need a waiver with the guards, maybe even an escort while in the courthouse (my witness), for any hearings that magistrate MIX might schedule for me. I have the ID card shown below and am willing to give a right thumbprint for identification purposes while entering the building.

These stipulations are absolutely necessary for me to attend these errant and irregular proceedings. In the alternative this case might be corrected to a habeas corpus. If I am denied access to the courtroom I will consider that criminal malfeasance of office by Robert BLACKBURN – *denial of access to the courts*. I feel that Judge Robert BLACKBURN is in the capacity and authority to form a waiver like I have described.



1 DISTRICT COURT, EL PASO COUNTY  
STATE OF COLORADO  
2 270 South Tejon  
Colorado Springs, CO 80903  
3 -----

4 THE PEOPLE OF THE STATE OF COLORADO  
5 the Plaintiff,  
6 v.

7 DAVID MERRILL (a/k/a VanPelt),  
the Defendant.  
8 -----

**\*FOR COURT USE ONLY\***

Case No. 04CR3218  
Division 14

9 For Plaintiff:  
Erik Lamphere  
10 Att. Reg. No. 37887  
105 E. Vermijo  
11 Colo. Springs, CO 80903  
Attorney for Plaintiff

**ORIGINAL**

12 Telephone: (719) 520-6000  
13 Facsimile: (719) 520-6185

14 For the Defendant:  
15 Pro Se  
4314 Rock Lawn Circle  
16 Colo. Springs, CO 80915

17 Telephone: (719) 596-1240  
18 Facsimile:

19 REPORTER'S TRANSCRIPT  
20 -----

21 This Matter came on for Hearing on Monday,  
22 October 6, 2008, before the HONORABLE KIRK S. SAMELSON, Judge  
23 of the District Court.  
24  
25

1                   MONDAY, OCTOBER 6, 2008, MORNING SESSION.

2                                   \* \* \*

3                   (Whereupon, the following proceedings were  
4 had to the Court with the defendant present in custody:)

5                   MR. LAMPHERE: Your Honor, if we could call  
6 David VanPelt, 04CR3218.

7                   It's set today for disposition.

8                   THE DEFENDANT: I'm the man who you are trying  
9 to arraign under that name.

10                  THE COURT: Mr. VanPelt, have you reached an  
11 agreement with the District Attorney's office?

12                  THE DEFENDANT: That's not my name.

13                  THE COURT: Just answer my question, please.

14                  THE DEFENDANT: My name is David Merrill.

15                  THE COURT: Have you reached an agreement with  
16 the District Attorney's office?

17                  THE DEFENDANT: Yes, we had an agreement.

18                  They were going to contact my sister prior to  
19 today, and they didn't fulfill their promise.

20                  MR. LAMPHERE: Your Honor, I did not have any  
21 contact on his sister.

22                  I do know from Mr. Tiell that we were supposed  
23 to do that. Again, I don't have any information. I'm  
24 happy to do so.

25                  Furthermore, we have received no contact from

1 Mr. Merrill or Mr. VanPelt.

2 THE DEFENDANT: I would like to correct that.

3 MR. LAMPHERE: We're unable to reach a  
4 disposition today.

5 THE COURT: Okay. I'm going to set this matter  
6 for trial then.

7 THE DEFENDANT: Before you fill your order,  
8 then I want you to know that if you are expecting me to  
9 fulfill that order, I will, according to the bond against  
10 my sister, but I will be billing you for \$10 million to  
11 fill that order.

12 THE COURT: Mr. Merrill -- Mr. VanPelt,  
13 whatever you would like to be called, I'm going to set  
14 this matter for trial.

15 THE DEFENDANT: Would you like that notice in  
16 writing before you place your order?

17 THE COURT: You can file anything you would  
18 like.

19 Anything that you do file with me has to be in  
20 writing, Mr. Merrill.

21 November 18th for trial at 9:00 o'clock.

22 Pretrial readiness will be November 10th at 8:30.

23 I'll continue the bond until the pretrial  
24 readiness.

25 Any motions need to be filed no later than two

1 weeks before trial and set for hearing no later than two  
2 weeks before trial.

3 If you file a motion, Mr. Merrill, you need to  
4 contact my office and make sure that it's set for a  
5 hearing.

6 THE DEFENDANT: I would like to state something  
7 for the record.

8 THE COURT: Go ahead.

9 THE DEFENDANT: The Prosecutor does have my  
10 sister's information. In fact, she was subpoenaed to  
11 testify at the last non-hearing we had.

12 THE COURT: Well, you are welcome to provide  
13 that information to Mr. Lamphere.

14 And if you can work out some arrangement that  
15 resolves this case prior to trial, I'm happy to listen to  
16 it.

17 THE DEFENDANT: Well, they made that promise  
18 before you in the last non-hearing, so he's making that  
19 promise here today.

20 THE COURT: Mr. Merrill, why don't you provide  
21 the contact information to Mr. Lamphere again. If it's  
22 resolved, that's great.

23 THE DEFENDANT: He's already broken the promise  
24 once.

25 THE COURT: Okay. Let me finish talking.

1 I don't get involved in any negotiations  
2 between you and the District Attorney's office, that's  
3 between the two of you.

4 If it's resolved, fine, I will listen to  
5 whatever resolution is. If not, we're going to go to  
6 trial in November.

7 THE DEFENDANT: I have not been arraigned.

8 THE COURT: I entered a "not guilty" plea on  
9 your behalf -- unless you wanted to plead guilty this  
10 morning.

11 THE DEFENDANT: You entered -- that's  
12 practicing law from the bench.

13 Are you an active attorney?

14 THE COURT: Mr. Merrill?

15 THE DEFENDANT: Are you an active attorney?

16 THE COURT: Mr. Merrill, how do you plead?

17 THE DEFENDANT: Are you an active attorney?

18 THE COURT: Mr. Merrill, answer my question.

19 THE DEFENDANT: I've not been arraigned.

20 THE COURT: Answer my question.

21 THE DEFENDANT: I've not been arraigned, Judge.

22 THE COURT: That's the arraignment -- I'm  
23 asking you right now. The arraignment is asking you how  
24 you plead?

25 THE DEFENDANT: No, the arraignment is an

1 intelligent and informed answer.

2 THE COURT: All right.

3 THE DEFENDANT: So it stands that you are --

4 THE COURT: Mr. Merrill, have a seat in the  
5 jurybox, please.

6 Mr. Lamphere, I'm concerned about Mr. Merrill's  
7 capacity to be able to represent himself in this matter.

8 And, Mr. Merrill, unless you are willing to  
9 answer my question, what I'm going to do is order you to  
10 be taken into custody and have an evaluation as to your  
11 capacity as to whether or not you can stand trial in this  
12 matter.

13 If you are willing to answer my question,  
14 that's fine, we're going to proceed on. If not, you will  
15 be taken into custody.

16 Stay right there where you are, Mr. Merrill.

17 Answer my question now: Are you willing to  
18 enter a plea?

19 THE DEFENDANT: Yes.

20 THE COURT: And how do you plead?

21 THE DEFENDANT: I plead not guilty.

22 THE COURT: All right. Then we've set the  
23 trial and the pretrial readiness date.

24 You can pick up a card from Ms. Rundquist  
25 showing your next court date.

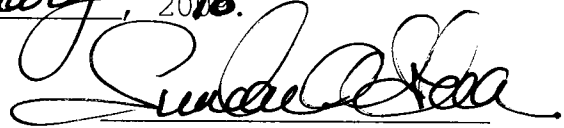
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Your bond is continued until then.  
(Whereupon, the hearing concluded.)

REPORTER'S CERTIFICATE

The foregoing is a true and complete transcription of my stenotype notes taken in my capacity as Official Reporter of Division 14, District Court, El Paso County, Colorado, at the date and place previously set forth.

Dated at Colorado Springs, Colorado, this  
7<sup>th</sup> day of January, 2010.<sup>SS</sup>



Sundae A. Stoa, RPR  
Certified Shorthand Reporter

**ORIGINAL**



1 DISTRICT COURT, EL PASO COUNTY  
STATE OF COLORADO  
2 270 South Tejon  
Colorado Springs, CO 80903  
3 -----

4 THE PEOPLE OF THE STATE OF COLORADO  
5 the Plaintiff,  
6 v.

7 DAVID MERRILL (a/k/a VanPelt),  
the Defendant.  
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**\*FOR COURT USE ONLY\***

Case No. 04CR3218  
Division 14

9 For Plaintiff:  
Erik Lamphere  
10 Att. Reg. No. 37887  
105 E. Vermijo  
11 Colo. Springs, CO 80903  
Attorney for Plaintiff

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12 Telephone: (719) 520-6000  
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14 For the Defendant:  
15 Pro Se  
4314 Rock Lawn Circle  
16 Colo. Springs, CO 80915

17 Telephone: (719) 596-1240  
18 Facsimile:

---

19 REPORTER'S TRANSCRIPT

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21 This Matter came on for Hearing on Tuesday,  
22 November 18, 2008, before the HONORABLE KIRK S. SAMELSON, Judge  
23 of the District Court.

24  
25

1                   TUESDAY, NOVEMBER 18, 2008, MORNING SESSION.

2                   \* \* \*

3                   (Whereupon, the following proceedings were  
4 had to the Court with the defendant present:)

5                   THE COURT: I'm going to call David Merrill,  
6 04CR3218.

7                   And Mr. Griffin, advisory counsel, is present;  
8 Mr. Lamphere for the People.

9                   MR. GRIFFIN: Your Honor, if I could just state  
10 for the record:

11                   I did speak briefly to Mr. Merrill. He  
12 indicated that he does not wish for me to speak to him at  
13 all, so I am not certain that there is any value of me  
14 being advisory counsel if he does not wish for me to speak  
15 to him.

16                   I just wanted to put that on the record and let  
17 the Court do what it wishes.

18                   THE COURT: All right.

19                   Mr. Merrill, the reason I appointed Mr. Griffin  
20 to act as advisory counsel is to assist you because you  
21 chose not to have an attorney represent you, and he's just  
22 strictly for your help.

23                   If you don't want his help, I'm not going to  
24 force him to be here.

25                   THE DEFENDANT: Let the record show I'm

1 visiting restricted appearance under Rule E(8).

2 And since he's being paid by the State of  
3 Colorado, and as I understand it that that's the moving  
4 party with the claim against me, and he's being paid by  
5 the party with the moving claim against me, so I don't  
6 even want him close enough to read my papers.

7 THE COURT: Do you want Mr. Griffin's  
8 assistance or not?

9 THE DEFENDANT: Absolutely not.

10 THE COURT: All right. Mr. Griffin, I'm going  
11 to excuse you as advisory counsel.

12 Thank you.

13 MR. GRIFFIN: Thank you, Your Honor.

14 THE COURT: Mr. Merrill, since I have another  
15 trial going, I am going to have to vacate your trial date  
16 today since I can't do two trials at the same time.

17 Mr. Lamphere, what is the People's position?

18 MR. LAMPHERE: The People have no objection to  
19 that, Your Honor.

20 This past week, the People filed a motion to  
21 continue based on the officer that responded to the  
22 incident being unavailable. He is out of state either on  
23 vacation or training.

24 THE DEFENDANT: At what point in this  
25 proceeding did I ever waive my right to a speedy trial?

1 THE COURT: You have not.

2 THE DEFENDANT: It's been over four years.

3 THE COURT: Well, the speedy trial statute  
4 provides that speedy trial starts running once somebody  
5 enters a "not guilty" plea, and that was done on October  
6 6th.

7 There is six months to try a case from that  
8 date, so what I'm going to do is reset this for trial.

9 Mr. Lamphere, how long do you think this trial  
10 is going to take?

11 MR. LAMPHERE: A day, possibly two.

12 THE COURT: All right. I'm going to reset this  
13 for January 13th, 2009. Pretrial readiness will be  
14 January 5th at 8:30. Trial will be January 13th at 9:00  
15 o'clock.

16 I'll continue the bond until the pretrial  
17 readiness date.

18 And, Mr. Merrill, if you would pick up a card  
19 from Ms. Rundquist showing your next court date.

20 THE DEFENDANT: I would like to refuse that  
21 card for cause.

22 I would like to know how it is on what premise  
23 did you defer arrest on the bench warrant for over four  
24 years when you had my phone number.

25 THE COURT: Mr. Merrill, I had nothing to do

1 with whether or not you were arrested.

2 The first time I saw this file was after you  
3 were arrested. I can't answer that, that would be up to  
4 law enforcement as to why they didn't pursue that.

5 THE DEFENDANT: Well, that's not true, if you  
6 look at the register of action in July -- July 6th of  
7 2004, you vacated this, and you left it under review for  
8 five years and three days.

9 THE COURT: Well, it's up to law enforcement as  
10 to whether or not to arrest you, Mr. Merrill. It's not up  
11 to me.

12 I issued a warrant and they are the ones  
13 responsible for arresting you, so I can't answer as to why  
14 you weren't arrested for a number of years.

15 THE DEFENDANT: Well, my concern is I've been  
16 denied a speedy trial.

17 THE COURT: Well --

18 THE DEFENDANT: Without this -- through this  
19 mechanism of what I call an indefinitely deferred arrest  
20 warrant.

21 THE COURT: Well, as I said, the speedy trial  
22 statute starts running once a "not guilty" plea is  
23 entered, and that was done in October.

24 So I'm going to continue your bond until the  
25 pretrial readiness. As I said, that's going to be on

1 January 5th at 8:30. You need to be back here on that  
2 date.

3 THE DEFENDANT: Would you please just release  
4 the bond?

5 THE COURT: No, sir, I won't.

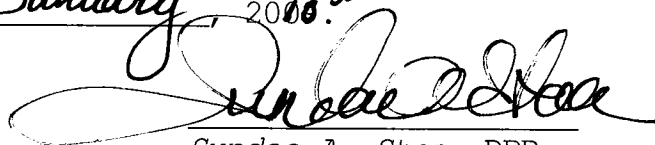
6 We'll be in recess.

7 (Whereupon, the hearing concluded.)  
8  
9

10 REPORTER'S CERTIFICATE  
11

12 The foregoing is a true and complete  
13 transcription of my stenotype notes taken in my capacity  
14 as Official Reporter of Division 14, District Court, El  
15 Paso County, Colorado, at the date and place previously  
16 set forth.

17 Dated at Colorado Springs, Colorado, this  
18 7th day of January, 2000.<sup>55</sup>

19 

20 Sundae A. Stoa, RPR  
21 Certified Shorthand Reporter

22 ORIGINAL  
23  
24  
25

Let it hereby be known that I, David Merrill.; suae potestate esse; Van Pelt, being of sound mind and will, do hereby represent with full understanding and knowledge, while fully sui juris, the following facts and approbations appended.

1510  
100

The Treaty of Paris- Done at Paris, the tenth day of the second month, in the year of our Lord one thousand seven hundred and sixty three marking the end to the Seven Years' War with this definitive Treaty of Peace and Friendship between his Britannick Majesty, the Most Christian King, and the King of Spain. "VII" (as presented below) of this Treaty so establishes the British and the French Territories on the continent of America.

VII

In order to re-establish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed, that, for the future, the confines between the dominions of his Britannick Majesty, and those of his most Christian Majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of this River Mississippi, from its source, to the River Iberville, and from thence, by a line drawn along the middle of this River, and the Lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most Christian King cedes in full right, and guaranties to his Britannick Majesty, the River and Port of the Mobile, and every thing which he possesses, or ought to possess, on the left side of the River Mississippi, except the town of New Orleans, and the island in which it is situated, which shall remain to France; provided that the navigation of the River Mississippi, shall be equally free, as well to the subjects of Great Britain, as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part, which is between the said island of New Orleans, and the right bank of that River, as well as the passage both in and out of its mouth: It is further stipulated, that the vessels belonging to the subjects of either nation, shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations, inserted in the IVth article, in favour of the inhabitants of Canada, shall also take place, with regard to the inhabitants of the countries ceded by this article.

THE PROCLAMATION OF 1763

October 7, 1763, with regards to the Treaty of Paris 1763, Given at the Court of St. James, the 7th day of October 1763, our Royal Proclamation, hereby to publish and declare to all our loving subjects that we have, with the advice of our said Privy Council, granted our letters patent under our Great Seal of Great Britain,...

one of three

Office of County Clerk and Recorder  
El Paso County, State of Colorado  
Certified to be a full, true and Correct  
Copy of record in my Office.

096060462

Book . . . . . Page . . . . .  
Date . . . . . 7/11/2010


Robert C. Balink  
County Clerk & Recorder  
El Paso County, Colorado  
By Sarah L. Mann  
Deputy



THE DECLARATION OF INDEPENDENCE OF 1776

The unanimous Declaration of the thirteen united States of America  
July 4, 1776.

On the 2d of July, a resolution declaring the colonies free and independent States, was adopted. A declaration to that effect was, on the same and the following days, taken into further consideration. Finally, on the 4th of July, the Declaration of Independence was agreed to, engrossed on paper, signed by John Hancock as president, and sent to the legislatures of the States. It was also ordered to be entered upon the Journals of Congress, and on the 2d of August, a copy engrossed on parchment was signed by all but one of the fifty-six signers whose names are appended to it. That one was Matthew Thornton, of New Hampshire, who on taking his seat in November asked and obtained the privilege of signing it. Several who signed it on the 2d of August were absent when it was adopted on the 4th of July, but approving of it, they thus signified their approbation.

I,  *John Hancock* this nineteenth day of the fifth month of our Lord one thousand nine hundred and ninety and eight is my true Christian appellation to the above mentioned Declaration of Independence so appended by all except one Matthew Thornton on the 2d of August in the year of our Lord One thousand seven hundred and seventy six and by approving of it, thus signify my approbation.

TREATY OF PEACE

Done at Paris this third day of September, in the year of our Lord one thousand seven hundred and eighty three, recognition of the Independence of the States as stated in Article I, to be free, sovereign and independent States.

Resolution of Congress on Public Lands October 10, 1780 Resolved, that the unappropriated lands that may be ceded or relinquished to the United States,....

LAND ORDINANCE OF 1785

May 20, 1785, this land ordinance laid the foundations for the public land system, followed in most essentials until 1862.

Land Act of 1800

May 10, 1800, provided for land purchases on credit which was later discontinued by the Land Act of 1820.

The Cession of Louisiana



April 30, 1803 in which the united States of America purchased the Sovereign Land of Louisiana from France.

*two of three*



I so Declare myself to be a sovereign man at law upon the land with regards to the sovereign land of Louisiana as so stated in the Treaty of Cession on the thirtieth day of the fourth month in the year of our Lord one thousand eight hundred and three, as so purchased by these united States of America and its sovereign Preamble Union of People.

These before mentioned documents and especially the Declaration of Independence the original compact between these united States of America, and Treaty of Peace contract with Britain and Treaty of Cession contract with France can not be made void or invalidated by any of the following contracts put upon me; one: Birth Certificate, two: Social Security Number, three: Driver Licence, four: State Power of Probate, five: Real Estate License, six: Ham Radio License, seven: Master Cards, Visa Cards or Discover Cards, eight: Voters Registration, nine: Federal Reserve Notes, ten: Zip Code or Street Addressed Mail, eleven: Car Insurance, twelve: Bank Accounts, Checking Accounts or Savings Accounts, thirteen: Magazines or anything or anyone else that or who would place my name in a nom de guerre, fourteen: anything else by way of unconscionable contract that I have failed to mention, fifteen: all past, present, and future contracts that may act in any way against this sovereign upon the land known as David Merrill.; potestate esse; Van Pelt

I,   *David Merrill Van Pelt* appended and approbated this ninth day of the fifth month in the year of our Lord one thousand nine hundred and ninety six A.D.

*Three of three*

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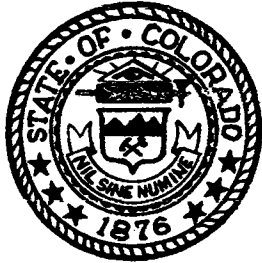
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BOOK 6744 PAGE 960

ARDIS W. BROWN  
EL PASO COUNTY CLERK & RECORDER

3000  
(12)

TERRITORY  
1861



STATE  
1876

DEPARTMENT OF PERSONNEL

DIVISION OF

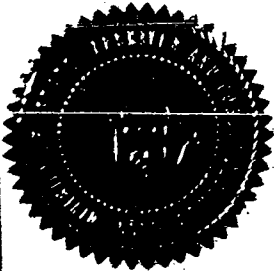
# STATE ARCHIVES AND PUBLIC RECORDS

*I Hereby Certify that the annexed copy  
(or each of the annexed copies) is a true  
copy of a record in the legal custody of  
the State Archivist of Colorado, and is  
filed among the records of*

COLORADO TERRITORY LEGISLATIVE ASSEMBLY, TERRITORY OF COLORADO  
deposited therein

GENERAL LAWS, JOINT RESOLUTIONS, MEMORIALS, AND PRIVATE ACTS, PASSED AT THE  
FIRST SESSION OF THE LEGISLATIVE ASSEMBLY, DENVER, COLORADO TERRITORY,  
SEPTEMBER 9, 1861.

TITLE PAGE, PAGES 20, 21, 2 [SIC], AND 35.  
TOTAL 5 PAGES.



*Tony Kitchin*

STATE ARCHIVIST OF COLORADO

OCTOBER 4, 1995

DATE

Office of County Clerk and Recorder  
El Paso County, State of Colorado  
Certified to be a full, true and correct  
Copy of record in my Office.  
Date: 095110459. Book 6744. Page 960  
By: *Robert C. Bink*  
County Clerk & Recorder  
El Paso County, Colorado  
Deputy: *X. M. Mearns*



GENERAL LAWS, JOINT RESOLUTIONS, MEMORIALS

BOOK PAGE  
6744 970

AND PRIVATE ACTS,  
PASSED AT THE FIRST SESSION  
OF THE  
LEGISLATIVE ASSEMBLY

OF THE  
TERRITORY OF COLORADO,

BEGUN AND HELD AT  
DENVER, COLORADO TER., SEPT. 9th, 1861.

TOGETHER WITH  
THE DECLARATION OF INDEPENDENCE,

THE CONSTITUTION OF THE UNITED STATES,

AND THE  
ORGANIC ACT OF THE TERRITORY.

PUBLISHED BY AUTHORITY.

DENVER:  
THOS. GIBSON, COLORADO REPUBLICAN AND HERALD OFFICE.  
1861.

BRARY  
COURT  
AL DISTRICT

**LAW LIBRARY**  
**DISTRICT COURT**  
**AMENDMENTS TO THE CONSTITUTION.**  
**SECOND JUDICIAL DISTRICT**

**ARTICLE I.**

The free exercise of religion, freedom of speech, of the press, of the right to peaceably assemble and to petition, guaranteed to the people. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

**ARTICLE II.**

Right to bear arms A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

**ARTICLE III.**

Of quartering soldiers in time of peace. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

**ARTICLE IV.**

No search warrant to issue except on oath. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**ARTICLE V.**

Capital and infamous crimes—proceedings. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

**ARTICLE VI.**

Right of the accused in criminal cases. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial

**AMENDMENTS TO**

jury of the State and district which have been committed, which do not previously ascertained by law, as to the nature and cause of the offence; and the witnesses shall be confronted with the witnesses against them; and the compulsory process for obtaining witnesses, and to have the assistance of

**ARTICLE V.**

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact shall be otherwise re-examined in any court of the United States, than according to the course of common law.

**ARTICLE VI.**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**ARTICLE VII.**

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

**ARTICLE VIII.**

The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people.

**ARTICLE IX.**

The judicial power of the United States shall extend to all cases of original jurisdiction, in which the United States is a party, to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between a State and foreign citizens or subjects, and between foreign citizens or subjects and each other.

**ARTICLE X.**

1. The electors shall meet and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State as themselves; they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; and they shall sign and certify, and

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jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII

In suits at common law, where the value in controversy, shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law. Trial by jury preserved.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Bail and fines.

ARTICLE IX

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. Construction of powers delegated.

ARTICLE X

The powers not delegated to the United States by the constitution, nor prohibited by it to these States, are reserved to the States respectively, or to the people. Powers.

ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. Restraint of judicial power.

ARTICLE XII

1. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State as themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to

CONSTITUTION.

ing an establishment exercise there, or of the press; to assemble and of grievances.

ssary to the security to keep and

a. be quartered in the owner; nor in prescribed by law.

secure in their person against unreasonable search, seizure, or violation, and no search, or seizure, or violation, shall be made, without a warrant, particularly describing the persons or things to be

wer for a capital or in a presentment or in cases arising in militia, when in public danger; nor shall the offence to be twice or shall be compelled, less against himself; or property, without due property be taken ansation.

I. accused shall have trial, by an impartial

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AMENDMENTS TO THE CONSTITUTION.

the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

of the Vice President.

2. The person having the greatest number of votes as Vice President, shall be Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers in the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

In what cases person shall lose citizenship.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE.—The 11th article of the amendments to the Constitution was proposed at the second session of the third Congress; the 12th article, at the first session of the eighth Congress; and the 13th article, at the second session of the eleventh Congress.]

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**ABOLITION OF HOME OWNERS' LOAN CORPORATION**

For dissolution and abolishment of Home Owners' Loan Corporation, referred to in this section, by act June 30, 1953, ch. 170, § 21, 87 Stat. 126, see note set out under section 1463 of this title.

**§ 395. Federal reserve banks as depositaries, custodians and fiscal agents for Commodity Credit Corporation**

The Federal Reserve banks are authorized to act as depositaries, custodians, and fiscal agents for the Commodity Credit Corporation.

(July 16, 1943, ch. 241, § 3, 57 Stat. 566.)

**TRANSFER OF FUNCTIONS**

Administration of program of Commodity Credit Corporation transferred to Secretary of Agriculture by Reorg. Plan No. 3 of 1946, § 501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100. See Appendix to Title 5, Government Organization and Employees.

**EXCEPTIONS FROM TRANSFER OF FUNCTIONS**

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations, Advisory Board of Commodity Credit Corporation, and Farm Credit Administration or any agency, officer or entity of, under, or subject to supervision of Administration were excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

**SUBCHAPTER XII—FEDERAL RESERVE NOTES****§ 411. Issuance to reserve banks; nature of obligation; redemption**

Federal reserve notes, to be issued at the discretion of the Board of Governors of the Federal Reserve System for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are authorized. The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be redeemed in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank.

(Dec. 23, 1913, ch. 6, § 16 (par.), 38 Stat. 265; Jan. 30, 1934, ch. 6, § 2(b)(1), 48 Stat. 337; Aug. 23, 1935, ch. 614, title II, § 203(a), 49 Stat. 704.)

**REFERENCES IN TEXT**

Phrase "hereinafter set forth" is from section 16 of the Federal Reserve Act, act Dec. 23, 1913. Reference probably means as set forth in sections 17 et seq. of the Federal Reserve Act. For classification of these sections to the Code, see Tables.

**CODIFICATION**

Section is comprised of first par. of section 16 of act Dec. 23, 1913. Pars. 2 to 4, 5, and 6, 7, 8 to 11, 13 and 14 of section 16, and pars. 15 to 18 of section 16 as added June 21, 1917, ch. 32, § 8, 40 Stat. 238, are classified to sections 412 to 414, 415, 416, 418 to 421, 360, 248-1, and 467, respectively, of this title.

Par. 12 of section 16, formerly classified to section 422 of this title, was repealed by act June 26, 1934, ch. 756, § 1, 48 Stat. 1225.

**AMENDMENTS**

1934—Act Jan. 30, 1934, struck out from last sentence provision permitting redemption in gold.

**CHANGE OF NAME**

Section 203(a) of act Aug. 23, 1935, changed name of Federal Reserve Board to Board of Governors of the Federal Reserve System.

**CROSS REFERENCES**

Gold coinage discontinued, see section 5112 of Title 31, Money and Finance.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 348, 420, 421, 467 of this title.

**§ 412. Application for notes; collateral required**

Any Federal Reserve bank may make application to the local Federal Reserve agent for such amount of the Federal Reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal Reserve agent of collateral in amount equal to the sum of the Federal Reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of sections 342 to 347, 347c, 347d, and 372 of this title, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of sections 348a and 353 of this title, or bankers' acceptances purchased under the provisions of said sections 348a and 353 of this title, or gold certificates, or Special Drawing Right certificates, or any obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States or any agency thereof, or assets that Federal Reserve banks may purchase or hold under sections 348a and 353 of this title. In no event shall such collateral security be less than the amount of Federal Reserve notes applied for. The Federal Reserve agent shall each day notify the Board of Governors of the Federal Reserve System of all issues and withdrawals of Federal Reserve notes to and by the Federal Reserve bank to which he is accredited. The said Board of Governors of the Federal Reserve System may at any time call upon a Federal Reserve bank for additional security to protect the Federal Reserve notes issued to it. Collateral shall not be required for Federal Reserve notes which are held in the vaults of Federal Reserve banks.

(Dec. 23, 1913, ch. 6, § 16 (par.), 38 Stat. 265; Sept. 7, 1916, ch. 461, 39 Stat. 754; June 21, 1917, ch. 32, § 7, 40 Stat. 236; Feb. 27, 1932, ch. 58, § 3, 47 Stat. 57; Feb. 3, 1933, ch. 34, 47 Stat. 794; Jan. 30, 1934, ch. 6, § 2(b)(2), 48 Stat. 338; Mar. 6, 1934, ch. 47, 48 Stat. 398; Aug. 23, 1935, ch. 614, title II, § 203(a), 49 Stat. 704; Mar. 1, 1937, ch. 20, 50 Stat. 23; June 30, 1939, ch. 256, 53 Stat. 991; June 30, 1941, ch. 264, 55 Stat. 395; May 25, 1943, ch. 102, 57 Stat. 85; June 12, 1945,



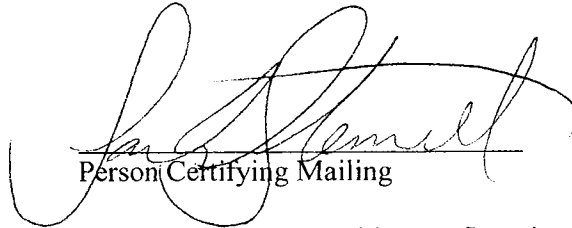
# CERTIFICATE OF MAILING

I, Sarah Stennett, the undersigned, hereby certify that I deposited true and correct copies of the following:

Envelope addressed to USDC – District of Colorado - 08MC0066, 901 19<sup>th</sup> Street - A105, Denver, Colorado 80294, containing:

- A pre-addressed postage paid envelope
- Notice to the Court Rule – E(8) Restricted Appearance Case # 08-MC-0066 awaiting confirmation as # 09-CV-3001, Reporter’s Transcript case no. 04CR3218 for October 6, 2008, Reporter’s Transcript case no. 04CR3218 for November 18, 2008, Attachment 096060462 pages 1 through 3, Attachment 095110459 pages 1 through 6, Filing 207015932 page 1 of 1, originals to be filed and one copy to be returned
- Copy of this Certificate of Mailing

in the United States mail, postage prepaid, addressed to the parties shown on the mailing list attached hereto, this 12th day of January, 2010.



Person Certifying Mailing

Case 08-MC-0066 awaiting confirmation as  
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