

agents have knowingly participated in the use of James Timothy Turner's copy-righted name, social security number and birth certificate, by selling his copy righted name. Securities beginning in January 2, 2012. This was processed and sold months before any arrest or indictment took place. They used his name before the accused was arrested on a false indictment without obtaining consent or permission on his copy-righted name that was recorded on the date of; September 9th, 2008. This is fraud, conspiracy and collusion, as well as many other crimes to be proven if this case is not dismissed and James Timothy Turner is release within the 10 days that were presented in the Judicial and Administrative Notice.

4. James Timothy Turner seeks to place into the evidence file by special appearance, proof that the IRS is an alias for # 62 Trust, and was first derived from the Philippine Trust # (1). See: 31 USC, Section 1321. In 1904, Philippine Trust # (2) was passed and this created the Bureau of Internal Revenue, domiciled in Puerto Rico under color of the Federal Alcohol Administration. See: 31 U.S.C. 1321 (a) (62).

5. James Timothy Turner seeks to place into the evidence file by special appearance, that the IRS is not an agency of the United States Government. In the case "Diversified Metal Products, Inc.", Plaintiff vs. T-Bow Company Trust, Internal Revenue Service, and Steve Morgan, Defendants. The Department of Justice Attorney, Betty H. Richardson had submitted into evidence that the IRS is not an agency of the United States. There is no record that the IRS is filed in the Federal Registry or in the National Archives. Therefore it must be registered if it applies to the people. See: Exhibit (B).

6. James Timothy Turner seeks to place into the evidence file by special appearance, that in the case Chrysler Corp. v Brown, 441 U.S. 281, the Supreme Court of the United States admitted that no organic Act for the IRS could be found after they searched all the way back to the Civil War, which ended in 1865 A.D. If there is no organic Act establishing it, the IRS is not an agency of the United States Government. This is fraud that has been perpetrated upon the American People. See: Chrysler Corp v Brown.

7. James Timothy Turner seeks to place into the evidence file by special appearance, that every agency of the Department of Treasury is required by law to be therein listed. You will not find the Bureau of Internal Revenue, the Internal Revenue Service, or the Bureau of Alcohol, Tobacco and Firearms listed. See; Title 31, USC Code, Chapter 3, beginning on page 7. If they are not listed they cannot be part of the organic United States of America. Their sole purpose was to extort the wealth of "We the People".

8. James Timothy Turner seeks to place into the evidence file by special appearance, that in the following and current Title 18 USC Section 1001, the United States of America is defined as an agency of the United States. The Supreme Court of the United States in case (Downes vs. Bidwell) It stated that the territories and insular possessions are "foreign" to the United States. It is very clear that the United States is an alliance of the territories and insular possession of the United States Corporate Government within which we can find the Internal Revenue Service. They are all foreign entities to the United States and the several States of the Union.

9. James Timothy Turner seeks to place into the evidence file by special appearance, that Title 18, never passed the quorum clause of the Constitution and therefore is not law. Article 1, Section 5. The Department of Justice and the court is fully aware that there are irrefutable affidavits and verified proof that it failed to pass. There was no Constitutional passage of Title 18 all the way back to 1906, and again in the 80th Congress (1947-1948). It once again failed to pass the Quorum Clause of the Constitution. In a class action case filed in Washington D.C. now pending before the Tenth Circuit Court of Appeals in Washington D.C.,

10. James Timothy Turner seeks to place into the evidence file by special appearance, that since Title 18 also includes the only authorization to allow federal courts jurisdiction in any criminal case, whether Title 18, Title 21, or Title 26, See: Title 18 USC, Section 3231, then each

prisoner that has been sentenced in any United States District Court has been illegally incarcerated and punished by a law that never passed the quorum clause of the Constitution and all prisoners were used as chattel for the Corporations of Prisons, Courts, Judges, Department of Justice and to protect and work in harmony with the Internal Revenue Service, all under the Color of Law.

11. James Timothy Turner seeks to place into the evidence file by special appearance, that there was a pending class action law suit that was filed in the D.C. Court 2/23/2012. A federal judge refused to rule on the merits of this case which was not surprising. This case was filed into the Tenth Circuit Court of Appeals on August 27, 2012. The Department of Justice, representing the UNITED STATES AMERICA has refused and failed to answer a verified request for proof of claim to the validity of Title 18 (Public Law 80-772) to which the government waived arguments on all stipulations on each and every one of eighteen different issues presented into the court record, thus admitting to the stipulations that were requested and waived by the government.

SUMMARY

1. The Government has admitted that Title 18 Public Law is unconstitutional.
2. The Government admitted that there was no quorum which existed on May 12, 1947 and on June 22 and 23, 1948, rendering Title 18 Section 3231, in which the government waived Argument on the issues presented. This is the only statute which gives the district court jurisdiction to prosecute any federal crime, invalid. Since this never passed the quorum clause, this court has no jurisdiction on this case.
3. The Government also has admitted that no prior statute gives the federal courts jurisdiction: That the indictment is void against James Timothy Turner on any criminal case; The UNITED STATES OF AMERICA is a Corporation; and that pursuant to the Administrative Procedures Act (APA) The Government was required to answer the Proof of Claim. Their silence has exhausted their Administrative Remedy in Law and they have agreed to the verified proof of claim.
4. The Government has violated the APA, then their silence can only be equated to fraud, and other related crimes against the people. See: U.S. vs. Pruden, 424 F.2d 1021 (1970). Under the authority of the Administration Procedure Act, 5 USC, Section 556 (D)- Burden of Proof, " the proponents of a rule or order' bears the burden of proof." The Supreme Court has stated "if any tribunal (court) finds absences of proof of jurisdiction over a person or subject matter, that case must be dismissed." Louisville & Nashville R.R. vs. Motley, 211 U.S. 149(1908) (Joyce vs U.S.) and (Melo vs. U.S. 505 F2d 1026).
5. The Attorney General was given three opportunities to respond to the affidavits of fact and a request for a certified question of law related to the invalidity of Title 18. No response was made. In U.S. vs. Kis, 658 F, 2nd 526 (7 Cir. 1981) The court held: "Indeed, no more than that, (Affidavits). "The burden is necessary to make the prima facie case. "Id at 536. "Moreover the threshold of relevance is a low one. "Id at 537. "The burden is therefore on the respondent who must come forward with special facts to support a legally sufficient rebuttal or defense. Id at 538-39. The stipulations that were submitted into the court record were ignored and the government has agreed to acquiesce to the stipulated answers that are now admitted.

Included in the stipulated facts the Government has now admitted are as follows:

- (a). An internal memorandum that was drafted by Harley G. Lappin, to the Department Heads of the Bureau of Prisons on July 27, 2009 in which he states that "In order for any bill to be valid the journals of both Houses must show that it was passed in the presence of a Quorum. See: United States vs. Balin, Joseph & Co, 144 U.S. 1, 3 (1892). The clerk of the House states that May 12, 1947. vote was a "voice vote", but the Parliamentarian of the House states that a voice vote is only valid when the journal

shows that a quorum is present and that it's unlawful for the Speaker of the House to sign any enrolled bill in the absence of a quorum. On May 12, 1947, a presence of 218 Members in the hall of the House would have been required to be entered on the journal in order for the forty-four Members vote of 38 to 6 to be legal". Therefore it never passed the quorum clause of the constitution.

(b). In a letter from Jeff Trandahl, Clerk of the House to Mr. Charles R. Degan dated June 28, 2000, he stated: Congress was in session on June 1, 3, 4, 7-12 and 14-19, 1948, however Title 18 was not voted on at this time.

(c). A letter from Karen L. Hass, clerk of the House, dated September 11, 2008, in which she stated: " After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill".

(d). A letter by Nancy Erickson to Mr. Wayne E. Matthews dated March 9, 2009 in which she stated that " I asked the Senate Historian's office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on H.R.3190 prior to December 19, 1947 sine die adjournment.

(e). A letter dated August 24, 2010, from the office of the Clerk of the House of Representatives, stated: "Our office has conducted research of the House Journal and the Congressional Records in regards to H.R.3190 and the voice vote that was taken on May 12, 1947. After researching these official proceedings of the U.S. House of Representatives we have been unable to find the names of 44 Members who responded to the voice vote."

6. James Timothy Turner seeks to place into the evidence file by special appearance, that Title 44 USC States: that every regulation or rule must be published in the Federal Registry. It also states: That every regulation or rule must be approved by the Secretary of the Treasury. If there is no regulation there is no implementation of the law. There is no regulation governing failure to file a return. There is no computer code for failure to file. The only thing that could be found was a requirement to be filed with the Director of International Operations. Who is the Director of International Operations? That is not where any of the income tax returns were ever filed or we were ever noticed to file. Fraudulent mis-representation by the IRS and the Department of Justice and their agents is in violation of the Citizens Protective Act, warring against the Constitution which could include perjury, sedition, and treason. Exhibit (C).

7. James Timothy Turner notifies this court that I hereby submit an offer of proof and request sanctions against the U. S. Attorneys for violation of their own rules and regulations that they must follow. In the Federal Rules of Criminal Proceedings 11(b) that they are bound to follow for submitting pleadings which are not contrary to the Constitution and statutes of the United States and are Lack of Candor to the Court FRCP 11(b) requires every paper submitted by an Attorney should be submitted after careful analysis of the facts and the law. FRCP 16 requires disclosure of any materials or evidence which would tend to prove the Accused innocent. The U.S. failed to acknowledge that James Timothy Turner is a non-corporate citizen and could only be tried in a common law court, and judged by a jury of his peers. The overriding concern always with the prosecutors function is that no foul blows be struck that would impair impartial justice. See: *Berger v U.S.* 78, 88, 1935.

CREATION AND COMPOSITION OF DISTRICT COURTS

12. James Timothy Turner, seeks to place into the evidence file by special appearance, that (a) there shall be, in each judicial district, a court which shall be a court of record known as THE UNITED STATES DISTRICT COURT, for the district, Title 28 USC, 132.

JURISDICTION OF THE DISTRICT COURT

(See: 28 USCA, Section 1331 et seq. b) See: 1331, federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 UNITED STATES CODE 1331

The jurisdiction of the United States District Court is "CIVIL ONLY". There creation and jurisdiction are codified under Title 28, which is the "CIVIL SECTION OF THE UNITED STATES CODES". The United States District Courts have no authority or jurisdiction over "criminal cases". Only the District Court in the in the District of Columbia. The accused has been charged with a criminal indictment therefore this court has no jurisdiction to proceed. They are without personum or subject matter jurisdiction. This case must be dismissed with prejudice.

James Timothy Turner notifies this court to his right to subpoena the Department of Justice's, Gary M. Borden to appear and testify under oath that Title 18 is Constitutional Law for a State Citizen of Alabama.

James Timothy Turner, notifies this court to his right to subpoena the Supreme Court of Alabama to submit into evidence by Affidavit of Truth and Fact, under the penalty of perjury, that Title 18 is Constitutional law for a State Citizen of Alabama.

James Timothy Turner, notifies this court to his right to subpoena The UNITED STATES OF AMERICA to come into the court as my witness to be cross examined and testify of the validity of the injury that I have alleged to have caused.

As the Plaintiffs in this case are aware that I am expecting my dismissal and release within the Ten (10) days of this filing of these documents to assume my position as the President of the Republic for the United States of America.

Dated: November 21, 2012

James Timothy Turner, Auth. rep.
Dana Louise Steen, POA
James Timothy Turner
Authorized Representative