

CEASE AND DESIST

Nemo me impune lacessit.

PRIVATE THIS IS NOT A PUBLIC COMMUNICATION Notice to agent is Notice to principle Notice to principle is Notice to Agent Applications to all successors and assigns	From: Dustin-Miles; Davis Always retaining all rights. Care of postal service address: 5480 North Yoder Road Calhan Colorado union state USA without USDC Zip exempt, but near 80808
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TO:

<u>To:</u> CRAIG DOSSEY PLANING AND COMMUNITY DEVELOPMENT DEPARTMENT. FILE No CE-21-931	<u>To:</u> Planning and Development ATTN Strategic Services Manage 2880 International Circle, Ste110 Colorado Springs CO 80910
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Attachments:

- 1) Birth certificate.

It is a fact that: I am a natural born State Citizen of Oregon, in its constitutional capacity, as one of the several states of the Union. And I am an inhabitant thereof.

It is a fact that: That my birth certificate is proof that I am a State Citizens. See attached birth certificate.

It is a fact that: That I am not a United States citizen, resident, person, individual or any other legal fiction, nor have I ever been.

It is a fact that: I explicitly reserve all of my rights always and forevermore.

It is a fact that: That the United States, with intent and great deception, uses the term "United States citizen", to deprive the people of their rights, their birth rights, their property and freedom. And further, to relegate the status of the people, to that of livestock.

I owe you nothing nor do you have any jurisdiction over me. Your constant unceasing letters from you and your satellite departments that harass, threatens, attempts at coercion, scare tactics, stalking and all other actions are depriving me of our right to tranquility guaranteed by the preamble of, and the rest of the constitution for the United States of America. You are violating the RICO laws, stocking laws, mail fraud laws, depriving rights under color of law as well as the common law and the constitution. Your actions are also acts of treason and tyranny.

I ORDER YOU TO CEASE AND DESIST ALL ACTIVITIES AGAINST ME!

Dustin Miles Davis

Twenty fourth day of January in the year of our Lord 2021

CEASE AND DESIST

Nemo me impune lacessit.

By:

[Handwritten signature]



Kaufuss

[Handwritten signature]



CERTIFICATION OF VITAL RECORD

CERTIFICATE OF LIVE BIRTH
OREGON STATE HEALTH DIVISION
VITAL STATISTICS SECTION

DATE ISSUED
JUNE 4, 1986

BIRTH NUMBER
136-80-44172

1. NAME
DUSTIN MILES DAVIS

3. BIRTHDATE
DECEMBER 31, 1980

4. BIRTHPLACE
UMATILLA COUNTY

5. MOTHER
RHONDA SUE MARTIN

7. FATHER
LLOYD RICHARD DAVIS

2. SEX
MALE

RECORD FILED
FEB 5, 1981

6. MOTHER'S BIRTHPLACE
OREGON

9. FATHER'S BIRTHPLACE
CALIFORNIA

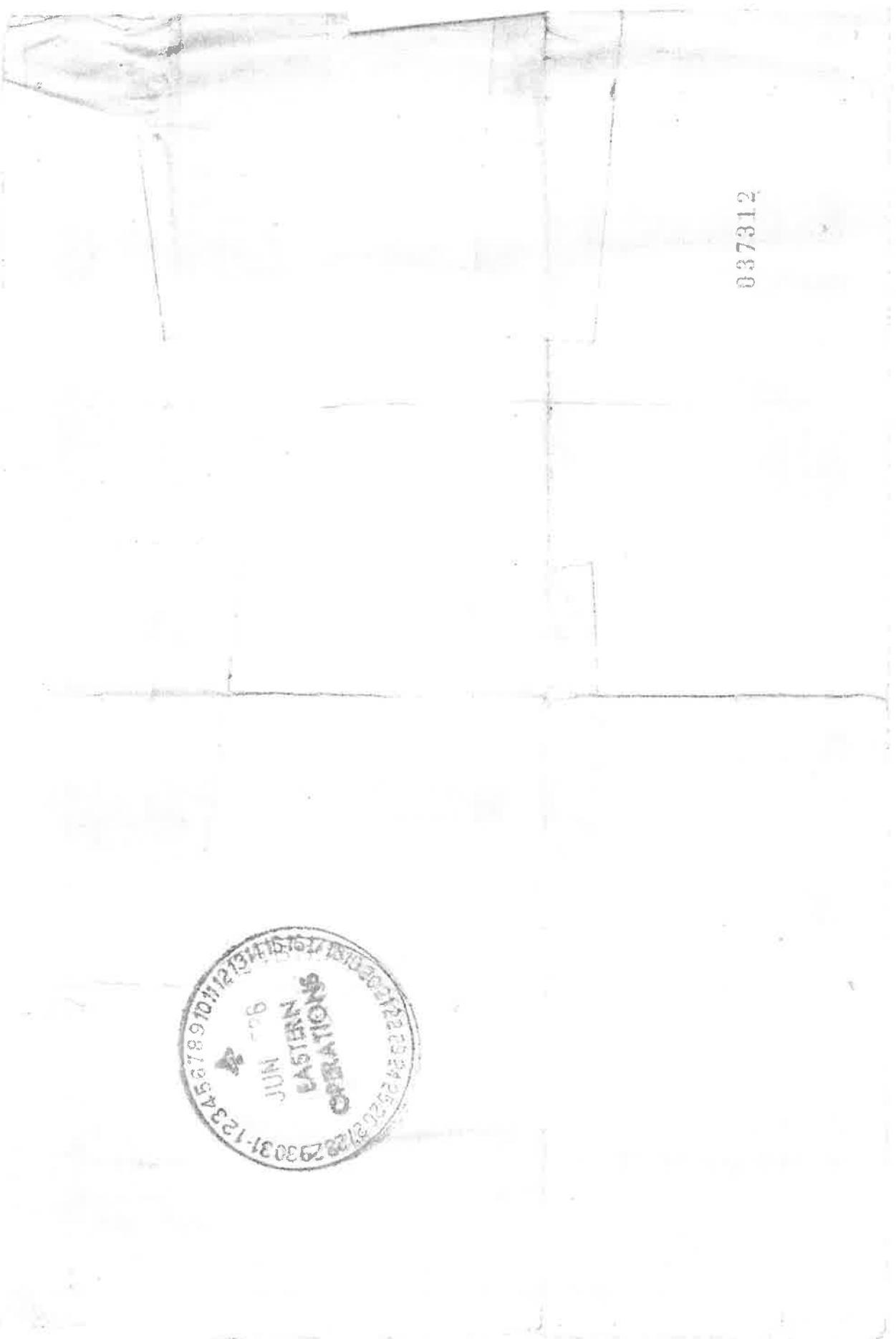


Joseph D. Carney
JOSEPH D. CARNEY
STATE REGISTRAR

THIS IS A TRUE CERTIFICATION OF NAME AND BIRTH
FACTS AS RECORDED IN THIS OFFICE.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE





037312



Dustin Miles Davis
5480 North Yoder Road
Calhan Colorado

To Be Filed
Dustin Davis

El Paso County Court

"State of Colorado" aka GRAIG DOSSEY)	Case #
plaintiff,)	
vs.)	
Dustin Miles Davis)	Motion to strike/dismiss complaint and request for full finding of fact and conclusions of law
defendant)	

Now Comes Dustin Miles Davis, alleged defendant, by special appearance, not submitting to the court's jurisdiction, participating under threat, duress and coercion, who hereby moves this court to strike/dismiss the complaint filed by GRAIG DOSSEY EXECUTIVE DIRECTOR for failure to present a cause of action or crime. Failure to present the court a case deprives the court of jurisdiction. Grounds are further set forth below. The court is further requested to provide a full-findings of fact and conclusions of law if the court denies this motion. This includes the legal and factual citations to support any claims "This doesn't apply here" made by the assigned judge.

This motion contains civil and criminal citations as some courts are reluctant to disclose the nature of the proceedings. This way both are covered and the court, however it decides the proceedings are, may disregard the citations that are not applicable.

1. No case, crime or cause of action. The foundation for the court's jurisdiction is the purpose of American government itself, this is in the Declaration of Independence of 1776:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — *That to secure these rights, Governments are instituted among Men*, deriving their just powers from the consent of the governed..." (emphasis added).

This is applicable to Colorado governments through the Enabling Act of March 3, 1875 § 4: "not be repugnant to the constitution of the United States and the principles of the declaration of

independence.” This is also shown in several other state constitutions regarding the establishment of American governments: “governments...are established to protect and maintain individual rights.” See Arizona, Washington and Minnesota.

This is why to have a case or cause of action; a plaintiff must plead the violation of a legal right:

“the duty of this court, as of *every judicial tribunal*, is limited to *determining rights* of persons or of property, which are actually controverted in the particular case before it.” Tyler v. Judges of the Court of Registration, 179 U.S. 405, 21 SCt. 206, 208.

The basic elements of a case or cause of action is the violation of a legal right and loss or harm. The alleged plaintiff, a legal fiction at best, ostensibly acting through GRAIG DOSSEY EXECUTIVE DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT, has not pled any violation of a legal right or harm.

Standing is required because “courts only adjudicate justiciable controversies.” United States v. Interstate Commerce Commission, 337 US 426, 430. This includes proceedings like these allegedly criminal in nature:

"the legislature did not deprive the courts of judicial power which may be defined as the machinery by which persons have their rights determined..." Denver Local Union No. 13, etc. v. Perry Truck Lines, 101 P.2d 436, 447.

“It is a fundamental principle of law that no person be adjudged guilty of a crime until the state has shown that a crime has been committed. The state therefore must show that a harm has been suffered of the type contemplated by the charges (for example, a death in the case of a murder charge or a loss of property in the case of a theft charge), and that such harm was incurred due to the criminal agency of another. Thus, it is sufficient if the elements of the underlying crime are proven rather than those of the particular degree or variation of that crime which may be charged.” State v. Allen, 335 So. 2d 823,825 (1976).

Even if the absurd claim is made harm is not a necessary element of a real crime, the complaint is still fatally flawed as there is no accusation alleged defendant violated any one’s legal rights.

If there were a true adversary against alleged defendant, it would be laughable to even try to discuss causation because Dustin Miles Davis is not accused of causing anything, real or *imagined*.

2. No corpus delicti. The corpus delicti is the “body of the crime” itself. Virtually every American jurisdiction agrees it’s an absolutely essential element of any crime and is consistent with the stated purpose of American governments:

"the corpus delicti of a crime minimally requires two elements: "(1) An injury which is penally proscribed...and (2) The unlawfulness of some person's conduct in causing that injury." People of the State of Colorado v. Smith, 510 P.2d 893, 182 Colo. 31.

"Generally, to subject a person to criminal liability, there must be concurrence of the actus reus, an unlawful act, and the mens rea, a culpable mental state." Gorman v. State, 19 P.3d 662.

"The corpus delicti ordinarily consists of a penally proscribed injury...and unlawful conduct causing the injury." People v. Trujillo, 860 P.2d 542, 545.

"The corpus delicti, or the fact that a crime occurred, must be proved in every case." People v. Quinn, 794 P.2d 1066, 1068.

“The corpus delicti of a crime consists of two elements: (1) the fact of the injury or loss or harm, and (2) the existence of a criminal agency as its cause [citations omitted] there must be sufficient proof of both elements of the corpus delicti beyond a reasonable doubt.” 29A American Jurisprudence Second Ed., Evidence § 1476.

This is not the same as the “corpus delicti rule” which is not an *element* of the alleged crime, but a procedural rule.

There is no corpus delicti pled in the complaint. Without a corpus delicti there is no crime:

“Component parts of every crime are the occurrence of a specific kind of injury or loss, somebody’s criminality as source of the loss, and the accused’s identity as the doer of the crime; the first two elements are what constitutes the concept of “corpus delicti.” U.S. v. Shunk, 881 F.2d 917, 919 C.A. 10 (Utah).

3. Lack of jurisdiction. Because there is no case, cause of action or corpus delicti, there is no crime: “Standing represents a jurisdictional requirement which remains open to review at all stages of the litigation.” National Organization for Women, Inc., v. Scheidler, 510 US 249.

Because there is no corpus delicti, there is no crime. Yes, there may be a so-called “crime” alleged on paper, but the allegation fails to meet every legal standard of what a crime is. Also, because American governments are established for the sole purpose of protecting rights, a true crime requires

the violation of a legal right. Alleged defendant is not accused of violating anyone's legal rights, therefore, there is no crime/case or cause of action pled and the court has no jurisdiction.

4. The complaint is "unfit for adjudication". Because American courts are adversary systems, the complaint is "unfit for adjudication":

"The [Supreme] Court has found unfit for adjudication any cause that "is not in any real sense adversary," that "does not assume the 'honest and actual antagonistic assertion of rights' to be adjudicated..." Poe v. Ullman, 367 U.S. 497, 505 (1961).

Even if the phrase corpus delecti is not used, there is no doubt this is not an adversary proceeding as there are no allegations I violated any legal rights.

5. No evidence of presence within State and laws applicable. There are no facts pled to prove my presence within the plaintiff State of Colorado and the laws of the state are applicable to me. Such evidence is essential to prove jurisdiction.

Mere geographic location is not evidence of presence within the alleged plaintiff, State of Colorado. It's impossible to prove my presence within the alleged plaintiff beyond a reasonable doubt or a preponderance of evidence. The State of Colorado, while obviously not geographic, is at best political as it did not exist prior to August 1, 1876.

The phrase State of Colorado appears to be not much more than a dba or pseudonym for lawyers police, municipalities, and county officers. This will be shown if a state lawyer responds to this motion. They will write things such as: "The State objects...", "The "State appears by and through it's attorney..."

As the laws of the state only apply within the state, there is no evidence, and nothing alleged, the law of the state apply to me.

If this is a criminal proceeding, then the assigned judge is obligated to presume my innocence until it is proven beyond a reasonable doubt. The judge may not assume the law is applicable now because it is an essential element of the alleged crime.

Last, the argument the laws apply to me just because I'm physically in Colorado has no factual support. All the court has at this point is an allegation I violated the laws of the "state", that allegation is not evidence the laws apply because I am physically in Colorado. At best, all the prosecution may do is offer more argument and opinion, no facts proving the laws of the "state" apply to me just because I am physically in Colorado.

6. Court's jurisdiction not enlarged by police authority. The jurisdiction of the court is limited to protecting rights; this is not enlarged by alleging the police have authority to issue tickets. Such authority does not work to trump fundamental limitations on the courts.

No amount of police authority may enlarge the limits of the adversary system. Adversary systems require true adversaries, this requires the allegation and proof of injury. The plaintiff has failed to make such allegations. Yes, police may have authority to issue tickets, they must still allege injury for the court to proceed with jurisdiction.

Conclusion

Because the plaintiff has failed to allege the required elements of a cause of action/crime and there is no corpus delicti, the Court has no jurisdiction. As such, the court should strike the complaint filed against alleged defendant or dismiss it.

Submitted this 24th day of January 2021.

Dustin Miles Davis

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**EXECUTIVE DETERMINATION
AUTHORIZING LITIGATION**

January 14, 2022

Jares & Associates Inc
P.O. Box 576
Colorado Springs, CO 80901-0576

Current Occupant(s)
5480 North Yoder Road
Colorado Springs, CO 80808

Re: File No. CE-21-931

To Whom it May Concern,

A notice of violation was issued to you by El Paso County Code Enforcement on December 3, 2021 for violation(s) of the El Paso County Land Development Code (LDC) and/or County Ordinances on the property located at 5480 North Yoder Road (the "subject property"). It has come to my attention that the violation(s) have not been corrected within fourteen (14) calendar days after the date of the notice of violation and an approved extension of time has not been granted. These violations continue to exist on the subject property. The violation(s) are as follows:

Ordinance No. 18-02 Prohibiting the Accumulation of Rubbish

Section 5: Unlawful Acts: It shall be unlawful for any owner to allow the accumulation of rubbish on any lot, parcel, or tract of land in the County under such owner's control, possession, or ownership, or upon any alley or sidewalk, adjacent to such lot, parcel, or tract of land.

Land Development Code

5.2.42 (B)(2) Inoperable Vehicles and Vehicle Parts: The outdoor storage or parking of any inoperable vehicle or recreational vehicle and the outdoor storage of any vehicles parts, shall be prohibited on any lot or parcel used for residential purposes or within a Residential or Agricultural Zoning District, except within the A-35 zoning district where a maximum of ten (10) inoperable non-agricultural vehicles shall be allowed as part of a rural home occupation pursuant to Chapter 5 of this Code.

11.3.1: Unlawful Acts: It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in

accordance with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

*****Full text of County Ordinances and LDC provisions is available online at www.elpasoco.com.**

Accordingly, pursuant to Section 6.4 of Ordinance No. 18-02 and 11.3.2 (A) of the Land Development Code, be advised I am issuing this executive determination to authorize the El Paso County Attorney's Office to pursue litigation in order to bring the subject property into compliance with Ordinance No.18-02 and 5.2.42 (B)(2) Inoperable Vehicles and Vehicle Parts and 11.3.1 Unlawful Acts of the Land Development Code as provided by Colorado law. Such remedies may include, but are not limited to, El Paso County seeking an administrative entry and seizure warrant to gain entry onto the subject property, abate the violations, and place a lien on the subject property for costs of abatement.

In accord with Section 6.5 of Ordinance No. 18-02 and 11.3.2 (A) of the Land Development Code, you have the right to appeal my decision to the El Paso County Board of County Commissioners.

Requests for an appeal hearing before the El Paso County Board of County Commissioners must be received by my department, in writing, within ten (10) calendar days after the date of this executive determination. If a written appeal is not received by the El Paso County Planning and Community Development Department within ten (10) calendar days after the date of this executive determination, then this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

If you wish to appeal this executive determination, you can do so by either emailing or mailing an appeal request to the El Paso County Planning and Community Development Department to the email or address provided below. Please note that failure to appear to the scheduled appeal hearing will be deemed a withdrawal of the request for an appeal, in which this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

Email: appealspcd@elpasoco.com

Mailing Address: Planning and Community Development
Attn: Strategic Services Manager
2880 International Circle, Ste. 110
Colorado Springs, CO 80910

If you have any questions, please contact Mindy Madden, Strategic Services Manager, at 719-520-6304 or at mindymadden@elpasoco.com.

Regards,


Craig Dossey (Mon 12, 2022 1:03 MST)

Craig Dossey
Executive Director
El Paso County Planning and Community Development Department