

Department of Public Safety



RE: Unlawful Eviction: CEASE AND DESIST EVICTION AND NOTICE OF INTENT TO SUE

Cerified Mail #: 

Dear Sheriff 

This correspondence is in response to the Writ of Ejectment attempted by the Sheriff's office. This case is in appeal and does not have a final disposition and therefore, the Sheriff's office has no authority in this matter. Enclosed is a copy of a lien which mandates a cease and desist of any and all orders from the lower court until it is determined by a trial by jury or a higher court to rule whether the lower court's ruling is valid or not. To execute an order in the midst of an appeal would violate the constitution and your oaths and will be prosecuted for color of law abuses by the FBI. Please check out the FBI website for color of law abuses and penalties for said violations at ([http://www.fbi.gov/about-us-investigate-civilrights-color of law](http://www.fbi.gov/about-us-investigate-civilrights-color-of-law)).

Based upon the U. S. Constitution , 7th & 14th Amendments, all parties in the attached Certificate of Service must cease and desist all communications, because it is evident that this matter has not been resolved. Furthermore, I do not consent to any unconstitutional judicial foreclosure, because according to the 14th Amendment of the U. S. Constitution, "No person shall be deprived of life, liberty, and property without due process of law", therefore, I demanded a trial by jury to protect my due process rights to a fair trial in order to settle this issue because the amount in question exceeds \$20 dollars. According to the 7th Amendment of the U. S. Constitution, if the amount exceeds \$20, the right to a jury trial is preserved.

Due to the unconstitutional nature of the said foreclosure, this Cease and Desist and Notice of Intent to Sue is being filed in good faith, because I do not understand how and why this sheriff's office is willfully and maliciously violating my due process and equal protection rights and right to a fair trial, in order to take my property without giving me my day in court to prove my case. This Sheriff's office's motive for willfully and maliciously violating my constitutional rights, seem to be for personal gain. The said Sheriff's office actions are indeed willful and malicious, because the Sheriff's office has officers who are officers of the state and are presumed to know the law, therefore, this Sheriff's office either knew or should have known never to deprive a person of life, liberty and property without due process of law, especially, in light of the fact that this Sheriff's officers who all took a sworn oath to uphold and defend the United States and Hawaii Constitution before they can begin a career in professional law enforcement.

According to Article VI, Clause 2 of the U. S. Constitution, known as the Supremacy Clause, establishes, "The U. S. Constitution and treaties are the supreme law of the land; and the judges in every state shall be bound thereby." This court and Sheriff's office have acted willfully and maliciously, with total disregard towards our client's federally secured guaranteed constitutional rights, because the Sheriff's office either knew or should have known that the U. S. Constitution is the supreme law of the land, in which all public officials are bound by it, because all public officials took Oaths of Office to uphold and defend the State and the U. S. Constitution.

The attempted eviction by the Sheriff's office, is the undeniable evidence that the officers of this Sheriff's office, have breached their contracts with the State of Hawaii because they have perjured their oaths to uphold and defend the State and U.S. Constitution, because this Sheriff's office is indeed, warring against the US Constitution by trying to take my property without providing equal protection of the law, due process of law, and a trial by jury. According to *Cohens v. Virginia*, 19 US (6 Wheat) 264, 404, L Ed. 257(1821), "No one can war with the Constitution." To war with the constitution constitutes the overthrow of our constitutional form of government, which is treason, in violation of Title 18 USC section 2381.

Title 5 USC section 7311(Loyalty & Striking), which explicitly makes it a federal criminal offense (and a violation of oath of office), to advocate the overthrow of our constitutional form of government. Title 18 USC section 1918 (Disloyalty & Asserting the Right to Strike against the Government), provides penalties for violation of oath of office described in Title 5 USC section 7311, which include:(1) removal from office; and (2) confinement or a fine. The Alien Registration Act of 1940 (Smith Act, 76th US Congress, 3d session, ch. 439, 54 Stat. 670, 18 USC section 2385 (Advocating the Overthrow of Government) enacted June 29, 1940), is a U. S. federal statute that set criminal penalties for advocating the overthrow of the U.S. Government. This eviction that the Sheriff office are implementing is unconstitutional, because it denies me access to the court by attempting to take away my property, without the requisite trial by jury, and this is why the case is in appeal because the lower court has denied me that right. The right to sue and defend in court, is one of the highest and most essential privileges of citizenship and must be allowed by each state to the citizens of all other states to the same extent that it is allowed to its own citizens "

(See Chambers v. Baltimore & O.R.R., 207 US 142, 148 (1907); McKnett v. St. Louis & S.F. Ry., 292 US 230, 233 (1934). "The Constitutional requirement is satisfied if the nonresident is given access to the courts of the state upon terms which, in themselves, are reasonable and adequate for the enforcing of any rights he may have, even though they may not technically be the same as those accorded to resident citizens." (See Canadian Northern Ry. v. Eggen, 252 US 553 (1920).

"The right to access to the courts is basic to our system of government, and it is well established today that it is one of the fundamental rights protected by the Constitution." (See Ryland v. Shapiro, 708 F. 2d 967, 971 (5th Cir. 1983).

This Sheriff's Office's unconstitutional eviction did indeed advocate the overthrow of our constitutional form of government, in violation of the Smith Act, thereby, violating their oaths of office, because Access to the courts is common law that is protected by the Hawaii and U. S. Constitution.

The members of the Sheriff's office, having taken an oath to support and defend the Hawaii and U.S. Constitution, did willfully and knowingly violate the said oaths by attempting to execute an unconstitutional eviction without a trial by jury, which violate my constitutional rights by not upholding the Bill of Rights, which is a felony, in violation of Title 18 USC section 241 - Conspiracy Against Rights. and Title 18 USC section 242 - Deprivations of Rights under color of state law; and perjury of oaths of office in violation of Title 18 USC section 162 - Perjury Generally.

Other criminal and civil causes of action will commence if the Sheriff's office persists and do not cease and desist with their unconstitutional eviction, until the appeal process is complete, by running an artificial sham, breach of trust, extortion, embezzlement, misprision of felony, false claims, false reports, falsifying documents, trespassing, malicious prosecution, Grand theft, law enforcement malpractice, official oppression, RICO, conspiracy to commit RICO, suppression of evidence, obstruction of justice, violations of honest service clause, misprision of treason, advocating the overthrow of our constitutional form of government, insurrection and rebellion.

WHEREFORE, the Sheriff's office is put on notice to cease and desist all eviction attempts until this case has completed the appeals process. Failure to cease and desist will constitute a color of law abuse and will be reported to the FBI for prosecution.

Sincerely,



Encl: Notice of Acceptance of Orders
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