

**In The Common Law, Court of Record of  
We the People of the United States of America  
Tribunal, shirley jean oyer, Presiding**

Charles Ellis Schumer, Senate Majority Leader

benjamin judd gerber

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Joseph Robinette Biden, Jr., President

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Governor State of Kansas, Laura Kelly

Judge Christina Dunn Gyllenborg

Jameson O'Connor, Assistant District Attorney

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**“Bill of Attainder”**

COMES NOW, a child of God, shirley jean oyer, sovereign, Tribunal, to lawfully produce this “Bill of Attainder” to remove Joseph Robinette Biden, Jr. from the “Office of President”, a “Public Office” of “We the people of the United States of America” for the crime of “Treason” , under Article III, Section 3 of the “Constitution of the United States of America” for giving the above named “Outlaws” aid and comfort by refusing to enforce the Constitution and laws of the United States of America. Every “sovereign” of the United States of America share the authority to issue a “Bill of Attainder” to remove any public official from any

“Public Office” who refuses to enforce the Constitution and laws of the United States of America. It is time, to establish once and for all time who holds the “sovereign power” of the United States of America, government or We the people who retain sovereign power by the “Constitution of the United States of America”. This is a “necessity” in the interests of “Public Safety” and “National Security” of all “sovereigns” of the United States of America.

### **“Sovereignty”**

**To be “sovereign” one must be born in a “State”, to a parent born in a “State”, of the United States of America.** shirley jean oyer was born in the “State of Missouri”, to her Mother eleanor emma hoshaw born in the “State of Missouri” and her Father john jacob hoshaw, born in the “State of Missouri”. “Evidence of Proof” “Certificate of Live Birth”. now lawfully claims her “sovereignty” as a member of the “Body Politic” of “We the people of the United States of America”. A “Constitutional Right” established by the “Constitution of the United States of America” in the act of creating our “Republic” by Article IV, Section 4 of our Constitution as follows:

### **Constitution of the United States of America**

#### **Article IV,**

**Section 4. Republican form of government guaranteed.** – The United States shall guarantee to every state in this Union a republican form of government....

**Note:** republican is an adjective describing a “Republic”,

Republic, n. “A system of government in which the people hold sovereign power and elect representatives that exercise that power.”

### **“Lawfare”**

There is no authority of law left to enforce the “Constitution of the United States of America” all have been exhausted. Five challenges to jurisdiction were presented to the “DISTRICT COURT OF JOHNSON COUNTY KANSAS”. All have been ignored. Some were never filed at the direction of the “Clerk of the Court” and the “Judge” in the case. These “Public Institutions” all share the “Legal Duty” to provide due process of the law required by the 5<sup>th</sup> Amendment and enforce the 1st Amendment Right of all “sovereigns” to “petition government for redress of grievances”. All have failed to perform their “Legal Duty”. Only the “President” had authority as the “Chief Law Enforcement Officer” to restore “Law and Order” to all “sovereigns” of the United States of America. His refusal establishes “Insurrection and Rebellion” 18 U.S.C. 2383 and “Treason” 18 U.S.C. 2381.

Every “Principal of Treason” named in this cause of action are engaged in “Organized Crime” prohibited by R.I.C.O that establish criminal conduct, with malicious intent to cause damage to the “sovereign” benjamin judd gerber. These “crimes are as follows:

“Treason” 18 U.S.C. 2381

“Conspiracy against rights” 18 U.S.C. 241

“Deprivation of rights under color of law” 18 U.S.C. 242

Violations of the 1<sup>st</sup>, and 5<sup>th</sup> Amendments in breach of employment contract (Oath of office)

“Insurrection and Rebellion” 18 U.S.C. 2383

“Fraud” 18 U.S.C. 1001

“Perjury” 18 U.S.C. 1621

“Obstruction of Justice” 18 U.S.C. 1503

1. An “Amicus Curiae Brief” to challenge jurisdiction was taken to court for filing in the case. “Clerk of the Court’ refused to file claiming she needed the Judge’s permission to file establishing “Obstruction of Justice” 18 U.S.C. 1503. Judge refused to file establishing violation of the 5<sup>th</sup> Amendment Right to “due process of law” by the suppression of evidence. This act shows a “complicity” in the “Conspiracy against rights” 18 U.S.C. 241 and “Deprivation of rights under color of law” 18 U.S.C. 242, to allow a cause of action to proceed without jurisdiction

2. “Remonstrance for Dismissal” was filed by a disinterested party, to review this cause of action.

**remonstrance**, n. **1.** A presentation of reasons for opposition or grievance. **2.** A formal document stating reasons for opposition or grievance. **3.** A formal protest against governmental policy, actions, or officials. – **remonstrate**, vb. [Black’s Law Dictionary, Eighth Edition, Page 1321]

With the review of this evidence, by the Judge, and her refusal to make the “Amicus Curiae Brief” part of the record establishes “usurpation” of “jurisdiction” where she has none. By allowing a fraudulent “Plaintiff” (STATE

OF KANSAS) to prosecute without “Complaint” of an “Injured Party” based upon evidence (“fruit-of-a-poisonous-tree) is clear violation of the 5<sup>th</sup> Amendment Right to “due process of law”. By the lack of personal and subject matter jurisdiction this court is venturing into “Treason” 18 U.S.C. 238, as established by Supreme Court precedence as follows:

“We [Judges] have no more right to decline the exercise of jurisdiction which is given, then to usurp that which is not given. The one or the other would be treason to the Constitution. U.S. v. WILL, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Rd. 392, 406 (1980); COHENS v. VIRGINIA 19 U.S. 264, 404, 5 L.Ed. 257, 6 Wheat, 264 (1821).

### **Summation**

Based upon the foregoing, this cause of action should be “Dismissed” in its entirety and all bails, fines, towing fees and other expenses for unlawful incarceration should be returned to Defendant. Should further litigation be necessary “faults” established negligence, criminal negligence, gross negligence, establishing liability, personal liability, remedial liability and penal liability should be filed in Federal Court for enforcement. These are the recommendations to Shirley Jean Oyer in this cause of action for filing in the court.

3. “Judgment of Acquittal” was filed by Shirley Jean Oyer, Sovereign, Tribunal, with a power of attorney as (Exhibit 1) to lawfully challenge the conduct of Judge Christina Dunn Gyllenborg and District Attorney Jameson O’Conner for extorting a plea deal without jurisdiction or authority of law, utilizing “fiction of law” as the authority relied upon, This was served by “Registered Mail”

“Commercial Instrument” U.S.P.S. RA 486 363 306 US.

During a hearing, Jameson O’Conner claimed it was the Overland Park Police that arrested the defendant. Tribunal visited the Overland Park Police

Department and requested a copy of the “Police Report” related to the arrest, none was available and Tribunal was informed she would have to subpoena the “Police Report”.

“What does not appear on the record is considered nonexistent”

The defendant, benjamin judd gerber, from the beginning had requested a trial by jury. However, he was denied this request through threats, intimidation and coercion, In front of two witnesses, a fraudulent “contract” was created claiming the Defendant waives all his rights by agreeing to the terms of the “Plea Deal”. For a Judge to allow a District Attorney to deny due process of law required by the 5<sup>th</sup> Amendment and “extort” a “plea deal” under threats, duress and coercion is “Organized Crime” prohibited by R.I.C.O 18 U.S.C. 1951 (a)(b)(1) and (2).

Every criminal prosecution must begin with a “Complaint” establishing jurisdiction over the individual named and crime alleged in the “Complaint”, to proceed without “Complaint” establishes “Lack of Jurisdiction”.

The police had no signed complaint from an injured party and therefore no authority to detain a union state citizen, a member of “We the People- sovereign body politic”. By arrest and seizure of private property (towing Defendant’s truck) the Overland Park Police Department, acted without authority of law in “Conspiracy against rights” 18 U.S.C. 241 “Deprivation of rights under color of law” 18 U.S.C. 242.

Benjamin judd gerber was born in the state of Kansas on October 7, 1976 as was shown by an attached “Affidavit of state of the union citizenship status” document (Exhibit 2) that had been filed and certified in Johnson County, Kansas. This document states that benjamin judd gerber has never worked or lived on any land owned or leased by the UNITED STATES. benjamin judd

gerber also testified that his parents and grandparents were state citizens and have never been UNITED STATES citizens.

It is common knowledge, the “Plaintiff” is required to establish the “Jurisdiction” of any court to proceed in the United States of America. Christina Dunn Gyllenborg must publicly produce the “Complaint” signed by the “injured party” that gave her authority to prosecute and gives the court “personal and subject matter jurisdiction” over the person named and “subject matter jurisdiction” over the crimes alleged in the “Complaint”. By this court allowing a fraudulent “Plaintiff” (STATE OF KANSAS) to prosecute without “Complaint” of an “Injured Party” based upon evidence (fruit-of-the-poisonous-tree) is clear violation of the 5<sup>th</sup> Amendment Right to “due process of law”. “Judgment of Acquittal” can be viewed at:

<http://commonlawcourtofrecords.com>

4. “Bill of Attainder” was filed by shirley jean oyer, sovereign, Tribunal to enforce “Judgment of Acquittal”. This was served by “Registered Mail” “Commercial Instrument” U.S.P.S. Tracking RA 484 363 310 US on May 13, 2024 in this cause of action and to inform the Honorable Laura Kelly, Governor of the State of Kansas as the “Chief Law Enforcement Officer” that “Treason” 18 U.S.C. 2118 is being conducted in the District Court of Johnson County Kansas by Judge Christin Dunn Gyllenborg and Assistant District Attorney, Jameson O’Conner who have failed to establish “personal and subject matter jurisdiction” to prosecute the “sovereign” benjamin judd gerber and to this date has refused to dismiss the case in defiance of a “Court Order”.

Laura Kelly, Governor of the State of Kansas as the “Chief Law Enforcement Officer” was lawfully served a “Bill of Attainder” establishing the judge and Assistant District Attorney of the above case are “Outlaws” engaged in “Organized Crime” prohibited by R.I.C.O. 18 U.S.C. 1951 (a)(b)(1) and (2).

Laura Kelly by her refusal to enforce the Constitution and laws of the United States of America establishes “complicity” in the “Treason” being conducted in this case, with malicious intent to cause harm to one of the members of “We the People...sovereign body politic of the United States of America”.

5. “Judgment of Treason” was filed by Shirley Jean Oyer, Sovereign, Tribunal. This was served by “Registered Mail”. “Commercial Instrument U.S.P.S. Tracking RA 486 363 323 US” on May 28, 2024 to inform Joseph Robinette Biden, Jr, President and “Chief Law Enforcement Officer” of the United States of America.

In this “Judgment of Treason”, the “State of Kansas” is singled out for crimes in a Public Office, but this is not the only “State” involved in this “Organized Crime”, The “President” has received a “Bill of Attainder” for the “Governor” of the “State of Missouri”, Michael Lynn Parson, who refused to enforce the laws of the United States of America and remove members of the Missouri Supreme Court who are engaged in “Treason” by refusing to administer justice as required by law. Mimicking the United States Supreme Court who believe they are above the law and cannot be held accountable. The third strike is the case in the State of Georgia, where Governor Brian Kemp who has interfered with Commerce, by refusing to accept “Registered Mail” delivery of a “Bill of Attainder” against Judge McAfee and District Attorney Fani Willis for crimes in their “Public Office” to be removed as “Outlaws”.

These elements of “Lawfare” are being conducted by the Biden Administration. Whether this is done with or without his knowledge is not relevant in this Common Law Court of Record, the President is responsible for all acts of every “Public Office” of his administration that violate our law. When the President is informed

of “Treason” in “Public Offices”, it is his “Legal Duty” to remove those individuals immediately, failure to do so establishes “complicity” in the crimes.

Normally, the next step would be to file a “Criminal Complaint” in the Article III, Constitutional Court, “District Court of the United States of America”, but the law presented in this Common Law Court of Record has established this step is not available. Congress removed the Article III, Constitutional Courts and replaced them with Article IV, “Legislative Courts” under their control. This “conspiracy” of “attorneys” has allowed fraudulent courts with no jurisdiction or authority of law to persecute “sovereigns” for their financial gain by prosecution and defense of fraudulent ‘judicial process’. The “President” has been “Ordered” to “Order” Congress to re-establish Article III, “District Courts of the United States of America” until these are restored all “sovereigns are denied due process of law” required of all Courts by the 5<sup>th</sup> Amendment of our “Constitution of the United States of America”.

**Note:** These crimes were presented to the President, Joseph Robinette Biden, Jr. in a “Demand for Enforcement” of “Judgment of Treason” “Commercial Instrument” U.S.P.S. Tracking RA 486 363 323 US, the President was given 10 days to hold a press conference and stop all “Lawfare” being conducted in the DISTRICT COURT OF JOHNSON COUNTY KANSAS. This was “Ordered” by the “Tribunal” shirley jean oyer in the interest of “Public Safety” and “National Security”. It was the President’s “Legal Duty” to “Order” this Court to stop all fraudulent “judicial processes”, his failure to enforce the laws presented establishes “complicity” in the “Organized Crime” being conducted under “color of law”. The “Commercial Instrument” can be read, printed and downloaded at the “Public Record” on the Website of <https://commonlawcourtofrecords.com> . Entitled “Enforcement U.S.D.C.

President Biden is also refusing to accept “Registered Mail” **Commercial Instrument RA 486 363 323 US** this is a “Bill of Attainder” to remove the “Governor of the State of Kansas” Laura Kelly, for allowing “Treason” in the “District Court of Johnson County Kansas”. A “Bill of Attainder” was filed with Governor Laura Kelly who refused to enforce the laws of our Nation and by that refusal became an “Outlaw” no longer eligible to hold a “Public Office” for her crimes as follows:

“Treason” 18 U.S.C. 2381

“Conspiracy against rights” 18 U.S.C. 241

“Deprivation of rights under color of law” 18 U.S.C. 242

Violations of the 1st, and 5<sup>th</sup> Amendments in breach of employment contract (Oath of office).

“Insurrection and Rebellion” 18 U.S.C. 2383

“Fraud” 18 U.S.C. 1001

“Perjury” 18 U.S.C. 1621

“Obstruction of Justice” 18 U.S.C. 1503

The criminal conduct of our elected “Public Officials” is not limited to Democrat or Republican, of both parties have members who are engaged in “Treason” 18 U.S.C. 2381. **Maxim God’s Law:: “Every jurisdiction has its boundaries.” “The part is bad that does not accord with its whole.”** The “Treason” is being conducted by those who do not believe in the “Constitution of the United States of America” and the laws of the United States of America. All “Public Officials” share an “Oath of Office” to support the Constitution required for taking possession of the “Public Office” by Article VI. Most of the government honors their “Oath of Office”, but those who don’t and demonstrate abuse of power in our

“Public Offices” are subject to a “Bill of Attainder” to remove them from their office of trust or profit. All government officials are employees of the “sovereigns” of the United States of America, and each share the duty to protect “Public Safety” by removing corrupt individuals from our “Public Offices”.

**Within the common law of a “Court of Record” the “Tribunal” has the following authority:**

- (1) “A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it.” [Jones v Jones 188 Mo. App. 220, 175 SW, 227, 229, Ex parte Gladhill, 8 Merc. Mass., 171, per Shaw C.J. See, also, Ledwith v Rosalsky, 224 N.Y. 406, 155 NE 688] [Black’s Law Dictionary 4<sup>th</sup> Ed, 425, 426] “Judges are magistrates” [N.Y. Cri. Law Sec 30 N.Y. Code, Section 30].
- (2) “Proceeding according to the course of common law.” [Jones v. Jones 188 Mo.App.220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 224 N.Y. 406, 155 N.E. 688] [Black’s Law Dictionary 4<sup>th</sup> Ed., 425, 426].
- (3) “Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony.” [3 Bl. Comm. 24; 3 Steph. Comm. 383, The Thomas Fletcher, C.C.Ga. 24 F. 481; Ex parte Thistleton, 52 Cal 255, Erwin v U.S. D.C. Ga., 3: 7 f. 488, 2 L.R.A. 229, Heininger v Davis, 96 Ohio St. 205, 117 N.E. 229, 231] [Black’s Law Dictionary 4<sup>th</sup> Ed. 425, 426].
- 4) “Has power to fine and imprison for contempt.” [3 Bl. Comm. 24;3 Thistleton, 52 Cal 255; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Steph. Comm. 383; The Thomas Fletcher, C.C.Ga. 24 F. 481; Ex parte Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231] [Black’s Law Dictionary 4<sup>th</sup> Ed., 425, 426]

(5) “Generally possess a seal” [3 Bl. Comm. 24;3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga. 24 F. 481; Ex parte Thistleton, 52 Cal 255; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231] [Black’s Law Dictionary 4<sup>th</sup> Ed., 425, 426]

### **“Public Record”**

“Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony.” The website <https://commonlawcourtofrecords.com> is a “Public Record” of the steps taken to enforce the Constitution and laws of the United States of America by this Common Law court of Record. The “Tribunal” challenged the Assistant Prosecutor’s case against the “sovereign” benjamin judd gerber and “Ordered” the prosecutor to produce the ”Complaint” signed by an “injured party” that would justify this prosecution. This was done to establish the “personal and subject matter jurisdiction” of the Court to proceed. The judge of this case was “Ordered” to establish her “personal and subject matter jurisdiction” by making the prosecutor produce the “Complaint” and if he failed, to “Dismiss” the case for “lack of jurisdiction”. "Because of this “Insurrection and Rebellion” 18 U.S.C. 2383 the Governor was “Ordered” to remove these “Outlaws” from “Public Office” based upon the “Public Record”. The Governor acted in clear “disobedience” of these lawful court orders."

“Maxima of God’s Law” provide the foundation of law of this cause of action as follows: “No one is above the laws” Not the President or any other government employee holding a “Public Office” all are subject to removal for criminal conduct in their “Public Office”. “Evil deeds ought not to remain unpunished, and impunity affords continual incitement to wrongdoing. 4 Coke 45.” “An evil custom ought to be abolished, a bad usage should be abolished.” The “necessity” of this cause of action is “Public Safety” and “National Security”. Based upon the authorities of “Maxims of God’s Law”, shirley jean oyer, Tribunal of this Common Law Court of Record now enters the following “Orders” to restore “Justice” to all “sovereigns” of the United States of America.

### **“Orders”**

1. Charles Ellis Schumer is hereby “Ordered” in this Common Law Court of Record to remove Joseph Robinette Biden, Jr. from the “Public Office” of “President of the United States of America” for the crimes outlined above within ten days of receipt of this Commercial Instrument Failure to do so will constitute “Insurrection and Rebellion” 18 U.S.C. 2383 against the Constitution and laws of the United States of America.
2. It is hereby “Ordered” in this Common Law Court of Record that the following individuals are in “Criminal Contempt of Court” subject to “Penal Liability” as prescribed by law presented in this “Bill of Attainder”. These are as follows:

Governor State of Kansas, Laura Kelly

Judge Christina Dunn Gyllenborg

Jameson O'Conner, Assistant District Attorney

3. Each of the above named "contemnors" are deemed "Outlaws" in this Common Law Court of Record and are "Ordered to serve 365 days in "Jail" for the crime of "Criminal Contempt of Court" and pay a "Fine" of \$100,000.00. This "Order" is to be enforced by the "Director of the United States Marshall Service" Ronald L. Davis who shall arrest and deliver said individuals to the "Jail" and insure they are held for their entire sentence. Failure to do so will constitute "Insurrection and Rebellion" 18 U.S.C 2383 against the Constitution and laws of the United States of America and subject him to "Penal Liability".
4. It is "Ordered" in this Common Law Court of Record, that the question of "sovereignty" of "We the people of the United States of America" must be established to restore "Law and Order" in our Union. Therefore, it is "Ordered" that Charles Ellis Schumer is to hold a "Public Vote" of all "Senators" within 10 days of receipt of this "Bill of Attainder", required to be covered by all "News Media Outlets", to determine if our "Senators" serve the interest of the American People or stand in opposition of our authority. The vote shall be on the following legal question:  
"Is the United States of America a 'Constitutional Republic' where the 'Body Politic' of 'We the people' are 'sovereign'" over our government?  
Yes or No

**Note:** Every "Senator" is required by Article VI of our "Constitution of the United States of America" 1789 version, to have an "Oath of Office" to support our Constitution. A "No Vote" on the legal question posed will constitute "Insurrection

and Rebellion” 18 U.S.C. 2383 to the Constitution and laws of the United States of America presented and a “Bill of Attainder” will be filed for their removal from our “Public Office”.

### “Summation”

Our Constitution gives We the people of the United States of America “sovereign power” over all “Public Offices” within our government. We share the authority to remove any “Public Official” who refuses to support the Constitution and laws of the United States of America by “Bill of Attainder”. This power is reserved to “We the People” and prohibited to all government, both Federal and State. Each and every “sovereign” is entitled to all rights, privileges and immunities established by the Constitution and laws of the United States of America, among these is the right to hold government officials accountable to the law for their conduct that have caused us injury. All sovereigns live the precept of law that requires us to live an honorable life, cause injury to no one and give each man his just due. God’s Law is clear, “. “So that punishment afflict few, (and) fear affect all. Blackstone cites Circero (pro Cluentio 46) emphasizing deterrence. 4 Bl. Com. 11.” ” “Truth, by whosoever pronounced, is from God.” “Truth is the mother of justice.” “Truth fears nothing but to be hidden.” “One who does not speak truth freely is a traitor of the truth.” This is my truth and my desire for peace among all Nations of the World. I hope you have learned, “With God all things are possible.”

In God We Trust

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Notice to the Agent is notice to the Principal.

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