

Name of court here as per example: IN THE
CIRCUIT COURT CRAWFORD COUNTY, ARKANSAS

CRIMINAL DIVISION II

Motion to revoke plea agreement

As per Example: STATE OF ARKANSAS PLAINTIFF

Vs Case: Your case number here

Your name here Defendant

A. Motion to revoke plea agreement

The Defendant/defense moves the court to revoke the plea agreement dated November 6th, 2009 for the following reasons.

1. Defendant did not understand the charges.

The defendant Your name here had not understood the charges at anytime during any of the actions perpetrated by the PLAINTIFF and its AGENTS. He was unaware that he was being tried in an admiralty/maritime court and charged with a commercial crime. See

27 CFR 72.11 Subpart B_Definitions
Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence

games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

2. Lack of good faith.

Further, Defendant was unaware, and it was not made known, that the defendant was charged with a violation of a commercial agreement, the **UCC**. Defendant was also unaware and it was deceitfully and fraudulently not made known, that the PLAINTIFF is a commercial and possession of the UNITED STATES the commercial municipality the DISTRICT OF COLUMBIA. Wherefore good faith was absent on the part of the PLAINTIFF in violation of

UCC 1-304. Obligation of Good Faith.

Every contract or duty within [the Uniform Commercial Code] imposes an obligation of good faith in its performance and enforcement.

Wherefore the plea agreement lacked good faith on the part of the PLAINTIFF and is null and void.

3. Fraud

The PLAINTIFF committed fraud by its silence in order to mislead the Defendant into believing that the actions against was other than commercial law and contractual agreements.

424 F.2d 1021 UNITED STATES v. Horton R. PRUDDEN, No. 28140. . United States Court of Appeals, Fifth Circuit. April 1970

Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.

Wherefore the pleading is subject to rescission. See UCC 3-202. **NEGOTIATION SUBJECT TO RESCISSION. ...ii) by fraud...**

4. Duress

The plea agreement was entered into under duress and with threat of being taken and held captive by the Plaintiff. Wherefore the plea agreement is subject to rescission. See

UCC 3-202. NEGOTIATION SUBJECT TO RESCISSION.

(a) Negotiation is effective even if obtained (i) from an infant, a corporation exceeding its powers, or a person without capacity, (ii) by fraud, duress, or mistake, or (iii) in breach of duty or as part of an illegal transaction.

(b) To the extent permitted by other law, negotiation may be rescinded or may be subject to other remedies, but those remedies may not be asserted against a subsequent holder in due course or a person paying the instrument in good faith and without knowledge of facts that are a basis for rescission or other remedy.

5. Reservation of rights UCC 1-308

Defendant explicitly reserves his rights and is not subject to any admiralty/maritime contract. Also see **UCC 1-308/1-207.**

Wherefore, the Plaintiff has no authority to obligate the Defendant to its contracts or statutes. Wherefore the plea agreement is null and void and should be revoked.

6. Human beings are not subject to commerce.

Furthermore, **USC TITLE 15 > CHAPTER 1 > § 17** "The labor of a human being is not a commodity or article of commerce." Wherefore no court can proceed in REM against a human being. And the Plaintiff cannot unilaterally obligate Defendant to law merchant.

Wherefore the plea agreement was a result of fraud and is null and void. **UCC 3-202 NEGOTIATION SUBJECT TO RESCISSION**

7. Jurisdiction nonexistent.

Only Federal courts have cognizance in admiralty and maritime judicial proceedings. See the **Judiciary Act of 1789** and also **Article III of the Constitution for the United States, 1789**

Furthermore the jurisdiction of the court can be challenged at anytime. See *[U.S. v. Anderson, 60 F.Supp. 649 (D.C.Wash. 1945)]* "Jurisdiction of court may be challenged at any stage of the proceeding, and also may be challenged after conviction and execution of judgment by way of writ of habeas corpus."

Wherefore no jurisdiction exists by the court or the Plaintiff and the plea agreement is null and void. **UCC 3-202 NEGOTIATION SUBJECT TO RESCISSION**

8. Citizenship and sovereign immunity

Defendant is not a **14th Amendment** citizen for a remedy was provided by **15 United States Statute at Large, July 27, 1868** also known as "Expatriation Statute". Wherefore, Defendant claims the remedy and is a natural Citizen of Arkansas 1836 in its capacity as one of the several states of the union, and a common man of the Sovereign People, which incidentally makes him a

national Citizen of the republic, arising under the original jurisdiction of the de jure **Constitution for the United States of 1789**, and he explicitly reserves all of his rights.

And because the court and the PLAINTIFF, (STATE OF ARKANSAS) by the **UCC** has made it selves a commercial foreign entity and possession of the municipal corporation, the DISTRICT OF COLUMBIA (see **Congressional act of 1871**) also known as the UNITED STATES defined as the Federal corporation, (see **28 USC 3002(15)**) the PLAINTIFF is in violation of...

Foreign Sovereign Immunities Act (FSIA) of 1976.
See **USC TITLE 28 > PART IV > CHAPTER 97 > § 1604**,
"Immunity of a foreign state from jurisdiction
Subject to existing international agreements to
which the United States is a party at the time of
enactment of this Act a foreign state shall be
immune from the jurisdiction of the courts of the
United States and of the States except as provided
in sections 1605 to 1607 of this chapter."

And further the court and the Plaintiff will be violating the **11 Amendment** of the **Constitution for the United States, 1789**.

And further the court and PLAINTIFF would be in violation of many federal and state laws including fraud, deprivation of rights, conspiracy to deprive rights, extortion, piracy and etc...

"Jurisdiction of court may be challenged at any stage of the proceeding, and also may be challenged after conviction and execution of judgment by way of writ of habeas corpus."

[U.S. v. Anderson, 60 F.Supp. 649 (D.C.Wash. 1945)]

Wherefore, the plea agreement is null and without effect. **UCC 3-202 NEGOTIATION SUBJECT TO RESCISSION**

9. No territorial jurisdiction within Arkansas

By way of the UCC, the STATE OF ARKANSAS converted itself into a commercial entity and also a federal state (as opposed to one of the several states of the Union) and possession of the UNITED STATES the commercial entity (as opposed to the United States of 1789) also known as the municipal corporation, the DISTRICT OF COLUMBIA. Wherefore the STATE OF ARKANSAS in its commercial capacity can only lawfully operate within the exterior boundaries of Arkansas 1836. See

USC TITLE 4 > CHAPTER 4 > § 110. Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

(e) The term "Federal area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency, of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State.

Wherefore the PLAINTIFF the STATE OF ARKANSAS in its commercial capacity has unlawfully operated within the borders of Arkansas 1836 in its original capacity as one of the several states of the union, and the plea bargain is null and void and all actions of the PLAINTIFF towards the Defendant is without jurisdiction and in the commission of numerous crimes. **UCC 3-202 NEGOTIATION SUBJECT TO RESCISSION**

10. No existing contract

PLAINTIFF has not provided evidence of any contract that Defendant is in breach of, or any proof of ratification of commencement.

Further, Defendant is not a citizen of, or franchise of, or subject to, any foreign or domestic corporation, municipal corporation, commercial entity or government operating in a commercial capacity. Also see **Congressional act of 1871 and USC Title 28, Part VI, chapter 176, sub chapter 176, subsection A, 3002 (15) "United States" means-(A) a Federal corporation;** Defendant is not responsible for any debt other than his own.

Defendant is not a commercial entity, artificial person or subject to the Uniform Commercial Code. Also see **UCC 1-308/UCC 1-207 and USC TITLE 15 > CHAPTER 1 > § 17 "The labor of a human being is not a commodity or article of commerce."** Defendant is not subject to color of law or law merchant.

Defendant is not a party of or subject to any maritime contract and denies that any exists. Further, Defendant is domicile in Crawford County, the land of Arkansas 1836 and is standing on dry land.

Defendant reserves his right not to be compelled to perform under any contract or commercial agreement that was not entered into knowingly, voluntarily and intentionally. And furthermore, Defendant does not accept the liability of the compelled benefit of any unrevealed contract or commercial agreement.

11. Impaired the obligation of contracts

The STATE OF ARKANSAS by its act of enforcing hidden, ambiguous, unilateral contracts upon the Defendant is in violation of

**U.S. Constitution - Article 1 Section 10
No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make**

any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Wherefore an obligation has been enforced upon the defendant impairing his liberty. Wherefore the plea bargain is unlawful and nullified. **UCC 3-202**

NEGOTIATION SUBJECT TO RESCISSION

12. No legal proceeding can commence in the commission of a crime.

Because the plea bargain and the proceeding were in commission of crimes against the Defendant, all actions by the PLAINTIFF and AGENTS renders the plea agreement null and void. **UCC 3-202 NEGOTIATION SUBJECT TO RESCISSION**. The following crimes were committed by the PLAINTIFF and its AGENTS.

a. The Defendant was intimidated into signing the plea agreement or risk being taken captive, wherefore the PLAINTIFF and its AGENTS are in violation of

USC TITLE 18 > PART I > CHAPTER 73 > § 1512

"Tampering with a witness, victim, or an

informant". Penalties range from 20 to 30 years imprisonment.

b. And because no preexisting contract exists, then the charging instrument is a fraudulent document, the STATE OF ARKANSAS and its AGENTS are in violation of

FRAUD AND FALSE STATEMENTS

USC TITLE 18 > PART I > CHAPTER 47 > § 1001.

Statements or entries generally

... (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

c. And because the defendants' rights are being deprived under color of law and force of arms, the STATE OF ARKANSAS and its AGENTS are violation of

USC TITLE 18 > PART I > CHAPTER 13 > § 242

Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire,

shall be fined under this title or imprisoned not more than ten years, or both;...

d. And because it is a conspiracy to deprive the defendant of rights, the STATE OF ARKANSAS and its AGENTS are violation of

USC TITLE 18 > PART I > CHAPTER 13 > § 241
Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—
They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

And further, because the STATE OF ARKANSAS and its AGENTS operate under color of commission. And because they claim maritime/admiralty jurisdiction in their

regulation and use of motor vehicles/vessels against the defendant and other human beings, in their armed plunder of property, taking captive, demanding ransom and etc... Then they are also guilty of

e. Piracy on dry land. See USC TITLE 18 > PART I > CHAPTER 81 > § 1661 Robbery ashore "...imprisoned for life."

f. USC TITLE 18 > PART I > CHAPTER 81 > § 1652.
Citizens as pirates

Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is a pirate, and shall be imprisoned for life.

g. Fitting out motor vehicles/vessels for piracy.

USC TITLE 18 > PART I > CHAPTER 81 > § 1654 Arming or serving on privateers

Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm or is concerned in furnishing, fitting out, or arming any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States or their property; or

Whoever takes the command of or enters on board of any such vessel with such intent; or

Whoever purchases any interest in any such vessel with a view to share in the profits thereof— Shall be fined under this title or imprisoned not more than ten years, or both.

h. USC TITLE 18 > PART I > CHAPTER 81 > § 1660
Receipt of pirate property

Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, shall be imprisoned not more than ten years.

Violations of the Arkansas code

The actions of the STATE OF ARKANSAS and its AGENTS are also in violation of the following Arkansas codes.

i. -2-106. Adoption of Code not to validate constitutionally invalid acts.

The adoption of this Code shall not validate an act or validate any section or part of a section of an act, which act or section or part of a section of an act is constitutionally invalid.

j. 1-2-111. Adoption of Code not to affect existing rights, liabilities, contracts, actions, etc.

k. 1-2-119. Common and statute law of England adopted.

The common law of England, so far as it is applicable and of a general nature, and all statutes of the British Parliament in aid of or to supply the defects of the common law made prior to March 24, 1606, which are applicable to our own form of government, of a general nature and not local to that kingdom, and not inconsistent with the Constitution and laws of the United States or the Constitution and laws of this state, shall be the rule of decision in this state unless altered or repealed by the General Assembly of this state.

l. 1-2-121. Bills and laws to be clear and unambiguous.

No bill shall be considered and no law enacted unless the bill or law is written in clear, unambiguous language.

m. 26-1-101. Definitions.

(7)(A) "Money" means gold and silver coin, bank notes of solvent banks in actual possession, and every deposit which the person owning, holding in trust, or having the beneficial interest therein is entitled to withdraw in money on demand, within this state or elsewhere, provided it is subject to order.

Constitutional violation

n. It is without question that these actions against the defendant are a violation of liberties protected by the **Constitution for the United States, 1789**. But in addition, the act of Arkansas 1836 in its capacity as one of the several states of the union, to convert itself into a commercial entity (the STATE OF ARKANSAS) and make itself subject to the foreign corporation (the DISTRICT OF COLUMBIA) by way of the ambiguous contract the **UCC**, and at a loss of its sovereignty, is a violation of...

Article one, Section 10 of the Constitution for the United States, 1789 No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

o. And further, because Arkansas 1836, by making itself, Citizens and all other human beings commercial

entities and subject to the hidden, ambiguous, fraudulent contract the UCC, has violated the

Thirteenth Amendment Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

ADVISEMENT TO THE PLAINTIFF AND ITS AGENTS

Since the PLAINTIFF and its AGENTS unlawfully claim admiralty jurisdiction by the UCC, and further, the STATE OF ARKANSAS is a commercial entity and a possession of the DISTRICT OF COLUMBIA, and is operating outside of its jurisdiction against the defendant, and further with conflict of interest and under color of commission. Then it would appear that the PLAINTIFF and its AGENTS will be liable in their violations and be without immunity. See..

U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 (1882) "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance, with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law are bound to obey it."

Ableman v. Booth, 21 Howard 506 (1859) "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."

Stump v. Sparkman, id., 435 U.S. 349 Some Defendants urge that any act "of a judicial nature" entitles the

Judge to absolute judicial immunity. But in a jurisdictional vacuum (that is, absence of all jurisdiction) the second prong necessary to absolute judicial immunity is missing. A judge is not immune for tortious acts committed in a purely Administrative, non-judicial capacity.

Chandler v. Judicial Council of the 10th Circuit, 398 U.S. 74, 90 S. Ct. 1648, 26 L. Ed. 2d 100 Justice Douglas, in his dissenting opinion at page 140 said, "If (federal judges) break the law, they can be prosecuted." Justice Black, in his dissenting opinion at page 141) said, "Judges, like other people, can be tried, convicted and punished for crimes... The judicial power shall extend to all cases, in law and equity, arising under this Constitution".

Davis v. Burriss, 51 Ariz. 220, 75 P.2d 689 (1938) A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts.

Further, because the PLAINTIFF and its AGENTS are operating in a commercial capacity, they will not be immune from suit. See

Clearfield Doctrine

"Governments descend to the Level of a mere private corporation, and take on the characteristics of a mere private citizen...where private corporate commercial paper" [Federal Reserve Notes] "and securities" [checks] "is concerned. ... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." -

Clearfield Trust Co. v. United States 318 U.S. 363-371 (1942)

Also see

Colten v. Kentucky (1972)407 U.S. 104@122. 92 S.Ct. 1953; Dissent by Douglas "If the nation comes down from its position of sovereignty and enters the domain of commerce, it submits itself to the same laws that govern individuals therein. It assumes the position of an ordinary citizen and it cannot recede from the fulfillment of its obligations;" 74 Fed. Rep. 145, following 91 U.S. 398.

B. Relief sought

WHEREFORE, the defendant/defense rightfully and respectfully moves the court to revoke the plea agreement and to dismiss the fraudulent charges.

Respectfully submitted,
Signed:

Your name here, sui juris
All rights reserved UCC 1-308/1-207
Also see Judiciary Act of 1789, SEC. 35
You address here
City state zip here

Phone: 479 414 3220

NOTARY PUBLIC

State _____

County _____

Subscribed and sworn to before me, a Notary Public, the
above signed **Your name here**.

This _____ day of _____, 2009

Notary Public

MY COMMISSION EXPIRES:
