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FROM:

Daniel-Jeremiah: Simms<sup>®</sup>/Auth.Rep.[795743]  
[Washington State Reformatory]  
P.O.Box 777  
Monroe, Washington [98272]  
NON-ASSUMPSIT

FILED  
COURT OF APPEALS DIV #1  
STATE OF WASHINGTON  
2007 NOV 28 AM 11:59

COURT OF APPEALS CASE/ACCOUNT No.60365-5

SUPERIOR COURT ACCEPTED FOR VALUE, EXEMPT  
FROM LEVY CASE No.06-1-03545-OSEA

TO:

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION 1, One Union Square  
600 University St.  
Seattle, Washington[98104]

Prosecuting Atty.King County  
King Co.Pros/App Unit  
W554 Third Ave.  
Seattle, Washington[98104]

GREGORY C.LINK  
d/b/a Washington Appellate Project  
1511 3rd ave Suite 701  
Seattle, Washington[98104]

RE:

COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION 1	
<u>DANIEL JEREMIAH SIMMS<sup>®</sup></u>	
v.	
<u>STATE OF WASHINGTON</u>	Case/Account No. 60365-5

Statement of Add'l Grounds

FILED  
COURT OF APPEALS  
STATE OF WASHINGTON  
2007 NOV 28 11:11:00

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION 1

DANIEL JEREMIAH SIMMS®

v.

STATE OF WASHINGTON

Court of Appeals No.#60365-5  
Superior Court Accepted for  
Value, Exempt from Levy,  
Non-Negotiable No.06-1-03545-0SEA

PROOF OF SERVICE

State of Washington )  
by Special Visitation )  
County of King ) SS.

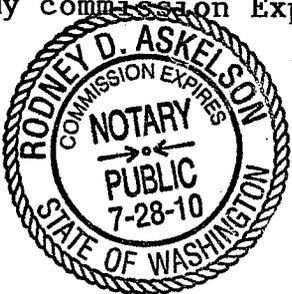
I, Daniel-Jeremiah: Simms®, certifies that on 26<sup>th</sup>  
day of November, in the year Two-Thousand and Seven, Affiant  
placed true and correct copies to all the following agent(s) or  
principal(s), COURT OF APPEALS, DIVISION 1, KING COUNTY PROSECUTORS  
OFFICE APPEAL DIVISION, GREGORY C.LINK d/b/a WASHINGTON APPELLATE  
PROJECT, in the UNITED STATES mail, enclosed by Certified Mail.

Subscribed and Sworn to; before me, this 26 day of November  
Two-Thousand and Seven the Year of our Lord.

[Signature]  
Notary Public in and for  
the State of Washington  
Snohomish;

DANIEL J.SIMMS®/Ens Legis  
by: Daniel J. Simms®  
Auth.Rep./Attorney-in-Fact  
Secured Party

My commission Expires: 7/28/2010





FILED  
COURT OF APPEALS DIVISION 1  
WASHINGTON  
2007 NOV 28 11:11 AM

COURT OF APPEALS FOR THE STATE OF WASHINGTON  
DIVISION 1

Daniel-Jeremiah: Simms<sup>©</sup>  
A natural free-born American  
inhabitant, Sui Juris, De Jure  
Soli, Jure Divino, synonymous  
with "We the People"  
Demandant,

v.

STATE OF WASHINGTON  
The world at large, and  
any concerned or intrested  
parties,  
Respondant,

SPECIAL VISITATION;  
Establishing Sua Sponte  
Original Jurisdiction of  
this Court over the below  
named Document(s);

WRIT OF PREACIPE

appeals court case  
No.60365-5

Cause No.06-1-03545-0SEA

W R I T O F P R E A C I P E

P R E A C I P E T O T H E C L E R K

To the clerk Richard D.Johnson d/b/a Court Clerk of the  
Court of Appeals, Division 1;

GREETINGS:

You are hereby this ancient 'Writ of Preacipe', Commanded  
to receive, enter, post on this Court Record, file and perserve  
the herewith: "PROCEEDSERVICE", "LETTER ROGATORY; AFFIDAVIT OF  
TRUTH", "MOTION OF DISCHARGE", "ORDER", "also have the original  
"7.8 MOTION", "NOTICE TO APPEAL", and all original Affidavits,  
Exibits, and Document(s), included therewith attached or otherwise,  
included this "WRIT OF PREACIPE", of specific instructions, as is.

You are also to set certain the day of review and ruling: Non-dispositive action, for the herewith presented Document(s), in open on the 30th day of November, 2007, or at a time which is more convenient for the court, not to Exceed TEN (10) DAYS. Also Notify presenter in writing that the herein listed above document(s) have been received. Your failure to respond to presenter will be deemed your expressed Affirmation to your complete compliance with this command. Also Notify any concerned or intrested parties. All written correspondance with presenter to be properly served Must (Mandatory) have the true Appellation and mailing location, with Common-Law Copyright affixed upon any Documents bearing this Secured Parties private property, refusal or otherwise acceptance of all the term(s) to the Copyright Notice if not complied by all.

Dated this 26<sup>th</sup> day of November, in the year Two-thousand and seven.

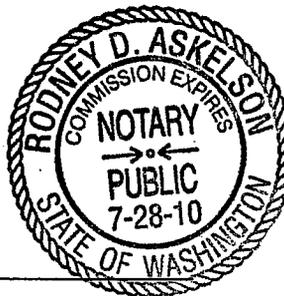
WITHOUT PREJUDICE UCC§1-207  
WITHOUT RECOURSE UCC§3-415(b)

DANIEL JEREMIAH SIMMS<sup>©</sup>/Ens Legis

by: Daniel J. Simms<sup>©</sup>  
Auth. Rep./Attorney-In-Fact

[Signature]  
Notary Public in and for  
the State of Washington  
Snohomish;

My Commission Expires: 7/28/2010







- 5) Gregory C. Link is forthwith Discharged according, to continue to appear knowingly and willingly in the abovesited case without Creditor's consent/authority will be a Dishonor and Creditor will draft an agreement by Default Affidavit and will proceed against him to recover the fee(s) associated with interfering with Creditor's private commercial affair(s), all set forth document(s), motion(s), or instrument(s) by Gregory C. Link were drafted and presented without my consent/expressed or implied.
- 6) Creditor and Gregory C. Link do have a conflict of interest as his interest are for the BAR, Public, and not for the private capacity of Secured Party;
- 7) Creditor gives Gregory C. Link Notice that any Unauthorized use of Secured Parties Common-Law Copyrighted private property will be constituted as acceptance by tacit to all the term(s) indicated in creditor's Copyright Notice on file with the Auditor and on Judicial Notice in the abovementioned case;
- 8) Creditor swears upon his Unlimited Commercial Liability that the Notice of Appeal made to the Court of Appeals, was put into the mailbox here at this facility before any deadline was passed, creditor states that he in no way has/had any intent of delaying, nor obstructing, and with full intent for preserving and promoting the public's confidence in the integrity and impartiality of the judiciary;
- 9) The Judgment and Sentence in the aboveentitled Superior Court case is hereby Demanded by Creditor, in Special Visitation, by letter rogatory, to be Discharged, by reason of criminal actions of MICHAEL STEPHEN SPEARMAN/ Michael Stephen Spearman d/b/a Superior Court Judge collectively referred as "Debtor" due to his indebtedness to creditor in Involuntary Bankruptcy case No.07-13861-SJS, debtor did not literally secure the presentment by Breaching his Fiduciary Duty to the presentment(s), fraud, forgery, counterfeiting, and Unauthorized Signature,
- 10) Creditor at no time Authorized nor provided Authority for debtor to consue creditor's intent to cancel/Refuse for Cause Without Dishonor U.C.C. §3-501 as "Acknowledgement OF Receipt", debtor could not provide any parole evidence to corroborate his criminal actions.

- 11) Creditor did intend at that present time to cancel the presentment issued for cause by defacing it in Good Faith and without Dishonoring, the cause being as Creditor did already attempt to accept for value all related presentments in that case and was Dishonored; the presentment according to proper reasonable commercial standards shall be Discharged with or without the consent of the Holder;
- 12) Debtor did agree by tacit, silence, and general acquiescence that he did commit criminal act(s) to secure performance on the canceled presentment;
- 13) Creditor did not upon Secured Parties Unlimited Commercial liability at any time, Acknowledge, Authenticate, Mark, Sign, or otherwise agree to be binded or quasi binded to any presentment/instrument(s);
- 14) Debtor did commit the following Ultra Vires act(s) to secure performance on presentment: 1) Falsely making a Security or Obligation by means of forgery, counterfeiting, and altering. 18 U.S.C. §472 2) Dealing and passing a counterfeited and forged Security or Obligation. 18 U.S.C. §473 3) Making a counterfeited or forged Security or Obligation. 18 U.S.C. §514 4) Procuring the execution and Delivery of any instrument by Fraud or False Pretenses. 18 U.S.C. §1025 5) By knowingly making and delivering as true such a certificate or other writing, containing any statement which he knows to be false. 18 U.S.C. §1018 6) By devising and intending to devise a artifice to defraud. 18 U.S.C. §1341 7) By sending after its been canceled by Secured Party that presentment in the UNITED STATES mail, that is mail fraud. 18 U.S.C. §1341 8) Debtor constituting Secured Parties cancelation/Refusal for cause without dishonor as 'Acknowledgement of Receipt' has been intentional Slander of Credit, a Federal Security Violation.
- 15) Debtor also has violated many commercial code(s), for refusing to Discharge, Unauthorized Signature, Fraudulent and Forged Alteration.
- 16) Creditor now puts this on 'Judicial Notice' and this Affidavit attaches to any d/b/a appellate Judge in Division 1, as such to conceal or otherwise remain silent on these Ultra Vires act(s) of debtor does

potentially entail criminal/civil liability for 'Misprision of Felony(s)' 18 U.S.C. §4, or may establish a nexus between the culpable agent(s) and d/b/a Appellate Judge in his/her private capacity in enabling and furthering these serious crime(s) upon commerce, which could make one liable as a co-conspirator in a future Civil/Criminal R.I.C.O. action(s) 18 U.S.C. §1963, 18 U.S.C. §1964.

- 17) Creditor's Caveats are meant to imply the seriousness of the matter(s) in the abovesited case/account, any neglect or refusal by any d/b/a Appellate Judge in Division 1, shall create a Delictual Fault, U.C.C. §1-206(16), and tacit admission, nil dicit, (judgment of confession), to stand as fact in at law proceedings.
- 18) Neglect, Silence, or Refusal on the part of any d/b/a Appellate Judge in Division 1, to Discharge, shall be deemed as a knowing and voluntary waiver of any assumed, presumed, legal, professional or official immunity, and consent by tacit agreement to be sued.
- 19) Silence can only be equated with the fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentional misleading. (U.S. v. TWEEL, (1977) 550 F.2d. 287; U.S. v. PRUDDEN, (1970) 424 F.2d. 1021, 1032;
- 20) Secured Party does/and has been denying Corporate Existence, creditor hereby Declares and avers that the following named corporations do not exist, whether 'De Facto' or otherwise, ultra vires nul tiel corporations nul charter: STATE OF WASHINGTON; OFFICE OF THE GOVERNOR; SECRETARY OF STATE; WASHINGTON STATE SUPREME COURT; WASHINGTON STATE COURT OF APPEALS, DIVISION 1; WASHINGTON STATE BAR ASSOCIATION; WASHINGTON OFFICE OF THE ATTORNEY GENERAL; WASHINGTON STATE DIVISION OF PRISONS; WASHINGTON STATE DEPARTMENT OF CORRECTIONS; WASHINGTON STATE REFORMATORY, COUNTY OF KING; KING COUNTY SUPERIOR COURT FOR THE STATE OF WASHINGTON; KING COUNTY OFFICE OF THE PROSECUTING ATTORNEY; WASHINGTON APPELLATE PROJECT; ~~and all other~~
- 21) ACTUAL AND CONSTRUCTIVE NOTICE;
- 22) Creditor, Daniel-Jeremiah Simms<sup>©</sup>, sui juris, by this affidavit do DECLARE, and give NOTICE, that this aggrieved Creditor is imprisoned without a Valid presentment/instrument, without authority of law or jurisdiction, constituting Kidnapping and Unlawful Imprisonment (a.k.a. False Imprisonment). Your Washington Administration Code (WAC) 289-26-40 reads: "NO PRISONER SHALL BE CONFINED WITHOUT PROPER LEGAL AUTHORITY."

Kidnapping and unlawful Imprisonment are crimes under your Washington Session Law (WSL) 1975 1st Ex.S.C. 260 § Title 9A.

- 23) In commerce everything must be in truth. In commerce all crimes are Commercial Crimes.(Title 27 C.F.R.§72.11)
- 24) MICHAEL STEPHEN SPEARMAN/Michael Stephen Spearman d/b/a Superior Court Judge, who is in Bankruptcy Court for Dishonor, Violation of Common-Law Copyrighted Private Property, Fraud, and Forgery did Fraudulently Misrepresent the presentment(s) in the instant case by a false statement on the face of the canceled/defaced presentment to the material fact of constituting creditors canceling/defacing the presentment for cause citing U.C.C.§3-501 as an "Acknowledgement of Receipt" without creditor's Authority, Authorization, implied or expressed, constitutes Fraud, Forgery, and Unauthorized Signature to an essential instrument which vitiates all presentment(s) void Ab Initio.
- 25) It is also clear that this Secured Party is not, in any way responsible for any alleged acts, requiring specific performance, or any other obligation created for the debtor/fiction/Ens Legis/Defendant. U.C.C.§9-317(see: HOLD-HARMLESS AND INDEMNITY AGREEMENT)

#### VERIFICATION

- 26) The undersigned Creditor, Daniel-Jeremiah: Simms<sup>©</sup>, certifies on Creditor's Commercial Liability that Creditor has read this Affidavit and issues the same with intent and understanding of purpose and does solemnly swear, declare and state that the statements, allegation(s), demand(s) and content(s) contained herein are true, correct, and complete, not misleading, the truth, the whole truth and nothing but the truth.

NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT(S)  
NOTICE TO THE AGENT(S) IS NOTICE TO THE PRINCIPAL

IF ANY "PEOPLE" BEING FULLY LIABLE FOR WHAT HE/SHE SAYS INTEND TO REBUT THIS AFFIDAVIT THEY HAVE TEN(10) DAYS IN WHICH TO DO SO, FROM THE RECEIPT OF THIS CERTIFIED MAIL, U.C.C.§1-204. A LACK OF RESPONSE ON YOUR PART MEANS YOU ASSENT TO THIS AFFIDAVIT AND A FAULT, U.C.C.§1-201(16) EXISTS CREATING/SOLIDIFYING FRAUD, FORGERY, MISREPRESENTATION, FALSE PRETENSES, UNAUTHORIZED

SIGNATURE THROUGH MATERIAL MISREPRESENTATION WHICH VITIATES ALL FORM(S), CONTRACT(S), AGREEMENT(S), ETC. EXPRESSED OR IMPLIED, FROM THE BEGINNING, UCC.C.§1-103.

FURTHER CREDITOR SAITH NOUGHT

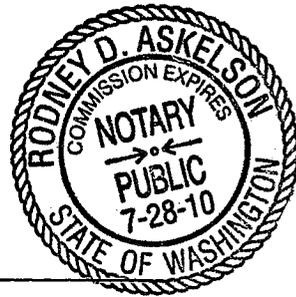
WITHOUT PREJUDICE UCC§1-207  
WITHOUT RECOURSE UCC§3-415(b)

DANIEL JEREMIAH SIMMS<sup>©</sup>/Ens Legis

by: Daniel J. Simms<sup>©</sup>  
Auth. Rep. Attorney-in-Fact  
Secured Party

Rodney D. Askelson  
Notary Public in and for  
the State of Washington  
Snohomish;

My Commission Expires: 7/28/2010





FILED  
COURT OF APPEALS DIVISION 1  
STATE OF WASHINGTON  
2007 NOV 22 AM 11:15

COURT OF APPEALS FOR THE STATE OF WASHINGTON  
DIVISION 1

Daniel-Jeremiah: Simms<sup>®</sup>  
A natural free-born American  
Inhabitant, Sui Juris, De Jure  
Soli, Jure Divino, synonymous  
with "We the people"  
Demandant,

v.

STATE OF WASHINGTON  
The World at Large, any concerned  
or intrested parties,  
Respondant,

Appeals court case  
No. 60365-5

Superior Court Accepted  
for Value, Exempt from  
Levy, Non-Negotiable  
No.06-1-03545-0SEA

MOTION OF DISCHARGE;  
LETTER ROGATORY; BY  
SPECIAL VISITATION

MOTION OF DISCHARGE

Comes now, Daniel-Jeremiah: Simms<sup>®</sup>, hereinafter known as  
"Demandant", appearing specially, not generally, and MOTIONS this  
court to DISCHARGE Demandant from any and all deprivations of Life,  
Liberty, and the pursuit of Happiness, usurped over Demandant's  
without authority, jurisdiction, and by fraud, forgery, counterfeiting,  
and Unauthorized Signature, pursuant to Demandant's Secured Parties  
financing statement filed two-years prior to any STATE OF WASHINGTON  
court case/account, Affidavit(s) on Judicial Notice/inveidence in  
the abovecited case/account, and all Document(s) including therewith  
attached or otherwise, with specific referance to, "Affidavit of

Fraud and Forgery" (public record), as Expressly Affirmed and forever settled, res judicata, by the silent acceptance by the Attorney General Rob McKenna, consumer complaint No.#264762, that there was crime(s) committed in the instant case/account.

Dated this 26 day of November, in the year of our Lord two-thousand and seven.

Sincerely,

Daniel-J:Simms<sup>©</sup>/Auth.Rep.

by: Daniel-J:Simms<sup>©</sup>  
Auth.Rep, Attorney-in-Fact  
Secured Party,



COURT OF APPEALS DIVISION 1  
STATE OF WASHINGTON  
FILED  
2007 NOV 29 AM 11:15

COURT OF APPEALS FOR THE STATE OF WASHINGTON  
DIVISION 1

Daniel-Jeremiah: Simms<sup>®</sup>  
A natural free-born American  
Inhabitant, Sui Juris, De Jure  
Soli, Jure Divino, synonymous  
with "We the people"  
Demandant,  
v.

appeals court case  
No.60365-5

O R D E R

STATE OF WASHINGTON  
The World at Large, any concerned  
or intrested parties,  
Respondant,

This matter(s) having come before the undersigned judge of the above captioned court, sua sponte original jurisdiction having been established in this court, by demandant's "Special Visitation" and presentation of "Letter Rogatory; Affidavit of Truth", "Motion of Discharge", "Order", and all original document(s) included therewith the "Motion for Relief from Judgment", 7.8." attached or otherwise upon this court, and demandant not being a participant to any crinimal/civil action Judgment & Sentance, and Demandant never having given consent of liability to any fictitious name or nom de guerre, demandant never having voluntarily contracted/ presentment or otherwise away Unalienable Rights retained by "the peoplè" in and of a Natural State, and this court being

advised, having been given sufficient, actual knowledge and full disclosure as to the fact(s) set forth, in the premises, now, therefore,

IT IS HEREBY, ORDERED, ADJUDGED AND DECREED that the above Secured Party and known to this court by these presents Daniel-Jeremiah:8 Simms<sup>©</sup>, is detained without Authority of Law, and Shall be unconditionally discharged from the immediate custody of the DEPARTMENT OF CORRECTIONS, MONROE CORRECTIONAL COMPLEX, and any facility thereof under its control; and any person who fails to comply with this court's ORDER shall be liable for contempt.

DONE IN OPEN COURT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007 the year of our Lord.

\_\_\_\_\_  
Signature of Judge

Presented By:

Daniel-Jeremiah: Simms<sup>©</sup>/Auth.Rep.Attorney-in-Fact







TITLE 27--ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

CHAPTER I BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY  
PART 72 DISPOSITION OF SEIZED PERSONAL PROPERTY Table of Contents

Subpart B--Definitions

Section 72.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

**ATF Officer.** An officer or employee of the Bureau of Alcohol, Tobacco, and Firearms.

(ATF) duly authorized to perform any function relating to the administration or enforcement of this part.

**Appraised value.** The value placed upon seized property or carriers by the appraiser or appraisers designated for the purpose of determining whether the property or carriers may be forfeited administratively.

**Carrier.** A vessel, vehicle, or aircraft seized under 49 U.S.C. Chapter 11 for having been used to transport, carry, or conceal a contraband firearm or contraband cigarettes. Vessels, vehicles, or aircraft seized under other provisions of applicable laws shall be considered personal property.

**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 marijuana will be treated as if such were commercial crime.

**Contraband cigarettes.** Any quantity of cigarettes in excess of 60,000, if:

- (a) The cigarettes bear no evidence of the payment of applicable State cigarette taxes in the State where the cigarettes are found;
- (b) The State in which the cigarettes are found requires a stamp, impression, or other indication to be placed on packages or other containers of cigarettes to evidence payment of cigarette taxes; and
- (c) The cigarettes are in the possession of any person other than any person who is:

- (1) Holding a permit issued under 26 U.S.C. Chapter 52 as a manufacturer of tobacco products or as an export warehouse proprietor;

- (2) Operating a customs bonded warehouse under 19 U.S.C. 1311 or 1555;

- (3) An agent of a tobacco products manufacturer, an export warehouse proprietor, or an operator of a customs bonded warehouse;

(4) A common or contract carrier transporting the cigarettes involved under a proper bill of lading or freight bill which states the quantity, source, and destination of the cigarettes;

(5) Licensed or otherwise authorized by the State where the cigarettes are found to account for and pay cigarette taxes imposed by that State; and who has complied with the accounting and payment requirements relating to the license or authorization with respect to the cigarettes involved; or

(6) An agent of the United States, of an individual State, or of a political subdivision of a State and having possession of cigarettes in connection with the performance of official duties.

(7) Operating within a foreign-trade zone, established under 19 U.S.C. 81b, when the cigarettes involved have been entered into the foreign-trade zone under zone-restricted status or when foreign cigarettes have been admitted into the foreign-trade zone but have not been entered into the United States.

**Contraband firearm.** A firearm with respect to which there has been committed a violation of the National Firearms Act (26 U.S.C., Chapter 53) or any regulation issued thereunder.

**Director.** The Director, Bureau of Alcohol, Tobacco, and Firearms, the Department of the Treasury, Washington, DC.

**Equity.** As used in administrative action on petitions for remission or mitigation of forfeitures, shall mean that interest which a petitioner has in the personal property or carrier petitioned for at the time of final administrative action on the petition, but such interest shall not be considered to include any unearned finance charges from the date of seizure or the date of default, if later; any amount rebatable on account of paid insurance premiums; attorney's fees for collection; any amount identified as dealer's reserve; or any amount in the nature of liquidated damages that may have been agreed upon by the buyer and the petitioner.

**Person.** An individual, trust, estate, partnership, association, company or a corporation.

**Re-appraisal.** An up-to-date statutory appraisal to determine the present value of the property or carrier involved in a petition for remission or mitigation of forfeiture made in the same manner as the original appraisal, and performed at the written request of the petitioner whose petition in regard to the property or carrier has been allowed and who, for reasonable cause, is not satisfied that the original appraisal represents the present value of the property or carrier.

**Region.** A Bureau of Alcohol, Tobacco, and Firearms Region.  
U.S.C. The United States Code.

[T.D. ATF-48, 43 FR 13535, Mar. 31, 1978; 44 FR 55841, Sept. 28, 1979, as amended by T.D. ATF-65, 45 FR 8593, Feb. 8, 1980; T.D. ATF-183, 49 FR 37061, Sept. 21, 1984]

ORIGINAL