

FILED

11/19/2018

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Criminal Case Number DA-17-0577

Darrin Leland Reber © all rights reserved

Sui Juris, American State National

In Care of, Rural Route

2204 W. Broadway Apt. 25

Missoula, MT

darrinreber@gmail.com

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STATE OF MONTANA

**FOR THE COURT RECORD AND PUBLIC RECORD**

4th DISTRICT COURT, MISSOULA COUNTY, STATE OF MONTANA

STATE OF MONTANA, Plaintiff vs. Darrin Leland Reber,

**"Writ of Execution"**

**Judicial Order to Enforce Judgment**

4th DISTRICT COURT, MISSOULA COUNTY, STATE OF MONTANA is holding Darrin Leland Reber, Sui Juris, Claimant, unlawfully in incarceration through Missoula Probation and Parole without any Judicial Authority, without any Valid Charge of a Crime, (No Victim) and without a Valid Contract to keep him in captivity! Judge (Administrator) Karen Townsend, STATE OF MONTANA and Prosecutor Jason Marks you are lawfully required to release the Living Man, Darrin Leland Reber who's body and soul should not be held as surety for the bond, from captivity immediately.

The court has NOT produced a Valid Contract;

Judge Karen Townsend and STATE Prosecutor Jason Marks, are in Dishonor.

Darrin Leland; Reber, Claimant, entered a Valid Certified Judgment against the 4th DISTRICT COURT and STATE Prosecutor Jason Marks on November 7th, 2018. Under the Law the court was required to release Him/Her/me within 72 hours. That has long past.

Missoula County Sheriff, T.J. McDermott, has a lawful duty to enforce the Certified Judgment and Free Darrin Leland Reber from Unlawful Custody and Incarceration through Missoula Probation and Parole Immediately!

Darrin Leland Reber filed a Document "Living Testimony in form of an Affidavit; a Challenge of His Rights, Status, Standing & Jurisdiction; a Notice of Discovery of Fraud and Impropriety; a Abatement; and Demand for Remedy; and Claim for Compensation" was entered into the court and public record and was personally served upon Judge Karen Townsend and STATE OF MONTANA Prosecutor, Jason Marks, October 15th, 2018.

The court, Judge Karen Townsend or the STATE OF MONTANA, and Prosecutor Jason Marks did NOT Re-Butt or Contest Claimant's "Living Testimony Affidavit..." and under the law it became a "Certified Judgment" on Nov. 7th, 2018.

### **Unrebutted Affidavit deemed Admitted & is Factual Evidence**

a) Non-Rebutted Affidavits are "Prima Facie Evidence in the Case," United States vs. Kis, 658 F.2d, 526, 536-337 (7<sup>th</sup> Cir. 1981);

b) Cert Denied, 50 U.S. L.W. 2169; S.Ct. March 22, 1982. "Indeed, no more than (Affidavits) is necessary to make Prima Facie Case."

c) Seitzer v. Seitzer, 80 Dal. Rptr. 688 "Uncontested Affidavit taken as true in support of Summary Judgment.

d) Melorich Builders v. the SUPERIOR COURT of San Bernardino County (Serbia) 207 Cal. Rptr. 47 (Cal.App.4 Dist. 1984); "Uncontested Affidavit taken as true in Opposition of Summary Judgment."

e) "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...We cannot condone this shocking behavior... This sort of deception will not be tolerated and if this is routine it should be corrected immediately."

U.S. v. Tweel, 550 F. 2d 27, 299. See also U.S. v. Prudden, 424 F .2d 1021, 1032; Carmine v. Bowden, 64 A. 932.

f) "Uncontested affidavit moved the court to hear the case. United States v. Lopez, No. 07-3159 (10<sup>th</sup> Cir. 03/04/2008).

g) ..."finding uncontested affidavit of debtor's attorney that he provided telephonic notice of debtor's bankruptcy case sufficient to hold creditor in violation of § 362(h)." Johnson, No. 05-8089 (10<sup>th</sup> Cir. 08/28/2007).

h) "Based on that uncontested affidavit, the court found that Col. Hardesty had personally and properly appointed Lt. Col. Harmon to Pvt. Wright's court-martial." Wright v. Commandant, USDB, No. 03-3214 (10<sup>th</sup> Cir. 04/09/2004).

i) "According to the uncontested affidavit of Dennis Farrington, Vice President/Management supervisor at Hill, Holliday, the commercial became obsolete as of September 30, 1984, when the new model fords were introduced, and would not be "aired in any form after that date." Kazmaier's prayer for injunctive relief is therefore mot." Kazmaier v. Wooten, 761 F .2d 46 (1<sup>st</sup> Cir. 04/30/1985).

j) "Whether or not Thrift now has the original prescription forms submitted to UPA for reimbursement, thrift submitted an uncontested affidavit stating that, as with Thrift's other claims, UPA failed to pay for the \$3,456.07 owed to Thrift upon Thrift's submission of the original claim forms." Thrift Drug Inc. v. Universal Prescription Administrators, 131 F .3D 95 (2d Cir. 12/11/1997).

k) ..." the government conceded that a single sale was the only connection between the property and the predicate offense; on the day of the transaction the drugs were brought to the claimant's home at the insistence of the

government informant; the uncontested affidavit of the claimant indicated that the drugs were present in the home for no more than a few hours; and there was no evidence that the house was used to store drugs. *Id.* at 1065. On these facts, the court found that there was no "substantial connection" between the claimant's home and the predicate offense." *United States v. Premises and Real Property at 4492 South Livonia Road*, 889 F.2d 1258 (wnd Cir. 11/17/1989).

l) "The district court relied on the uncontested affidavit of Robert A. Michlik, the PBGO case officer responsible for processing the termination of the Plan, for the finding that 74 Plan participants were eligible for pension benefits as of September 20, 1978." *In re Syntex Fabrics Inc.*, 698 F.2d 199 (3<sup>rd</sup> Cir. 01/19/1983).

m) "This motion was supported by an uncontested affidavit detailing that de Santibanes had essentially no contacts with Virginia or with the plaintiffs, including that he had never resided in Virginia, did not own any property in the State, does not receive income from any business with operations in the State, and has never sent nor received correspondence from the State. The plaintiffs did not contest the information in affidavit by way of affidavit or testimony." *Lolavar v. Santibanes*, 430 F.3d 221 (4<sup>th</sup> Cir. 12/01/2005).

n) "according to their uncontested affidavit Carmichael simply cannot demonstrate any causal connection between Price Waterhouse's conduct and his prolonged imprisonment or torture." *Carmichael v. United Technologies Corp.*, 835 F.2d 109 (5<sup>th</sup> Cir. 01/07/1988).

o) "The city responded to appellant's motion for attorney's fees with an (uncontested) affidavit from City Secretary Gorsline. That affidavit, together with the other factors identified in the chronology contained in the district court's

opinion, established that as early as March 20, 1985, the city had decided to reword its election ballots." *Sorola v. City of Lamesa*, 808 F.2d 435 (5<sup>th</sup> Cir. 01/27/1987).

p) "On the basis of this uncontested affidavit, we can take it as established, for summary judgment purposes, that the bank records were reasonable available. "Barrett v. United States and Internal Revenue Service, 795 F.2d 446 (5<sup>th</sup> Cir. 07/28/1986).

q) "The uncontested affidavit of Stevenson's vice-president established that ... "Albertson v. Stevenson, 74 F .2d 223 (5<sup>th</sup> Cir. 12/26/1984).

r) "The uncontested affidavit establishing appellant's reform or cure was made by appellant's wife at approximately the same time as the affidavits of other employees. The case for discharge presented to the Merit Systems Review Board for decision, therefore, included an uncontested showing that Bonet was totally reformed or cured." *Bonet v. United States Postal Service*, 712F .2d 213 (5<sup>th</sup> Cir. 08/19/1983).

s) "The un rebutted affidavit of a MetLife representative established..." *Justofin v. Metropolitan Life Insurance Co.*, 372 F .3d 517 (06/25/2004).

t) The court's decision on the second summary judgment motion parallels its decision on the first. Again, it held that plaintiff had failed to comply with Rule 56 (c) (2) when he filed new material in response to the motion and held, as a result, that defendant's statement of undisputed facts was deemed admitted." *Gallipo v. City Rutland* (2004-041)

u) "Motion ? a request that the CT order something such as dismissing the case, not same as a pleading. Dismissal on other grounds? i.e. when facts are undisputed and DF is entitled to JGT as a matter of law (Summary JGT under R56)? Statute of limitation, claim or issue preclusion, etc. Answer – a pleading that responds to allegations of the complaint and may add new matter as well. R8 (b) (c) (d) Admissions? Allegations properly denied are joined, meaning they are in dispute and ripe for adjudication. "CIVIL PROCEDURE SPRING 2003 – Professor Von Creel, OCU Law School.

v) The above, as well as dozens of other cases which could be cited to support the legal position on the validity of un rebutted or uncontested affidavits, which are deemed admitted, regardless of the framework in which this lawful fact is presented. To have to take this to a court in suite is a waste of the court's time and a violation of the PRA.

Truth as a valid statement of reality is sovereign in commerce; An un rebutted affidavit or declaration stands as truth in commerce; An un rebutted affidavit is acted upon as the Judgment in commerce; Guaranteed - All men shall have a remedy by the due course of law; If a remedy does not exist, or if the existing remedy has been subverted, then one may create a remedy for themselves and endow it with credibility by expressing it in their affidavit, ignorance of the law might be an excuse, but it is not a valid reason for the commission of a crime when the law is easily and readily available to anyone making a reasonable effort to study the law; (See Exhibit 1 Case Law attached).

This is in reference to unlawful acts being performed in the state of Maryland by rogue agents under control of a foreign entity killing and violating the supreme law of the land and maximum law defined under our Declaration of Independence and our Constitution.

If law enforcement Knew their obligations to the Constitution, and IF they were truly defending the Constitution of the United States of America, they could not perform these Unlawful acts, and these are Truly the Definition of Unlawful Acts!

The Constitution and the Second Amendment does not draw any distinctions over who has the right to defend themselves owning arms! Remember the preamble to the Declaration of Independence states WE THE PEOPLE. It does not say a MOB pretending to be GOD or government, and those of us who believe in God have no other king or ruler.

That's my declaration as a man, and I have the right to defend myself and my beliefs against all who think that they are my God or my ruler.

No injustice can be law. Failure to have due process and redress Of Accusations! this act is criminal by its nature, and those performing this act are performing unlawful actions!

No injustice can be law. When those in law enforcement uphold unlawful acts, they have crossed over from lawful to unlawful which is a violation of their oath and they have created a illegitimate organization that is unlawful, and have surrendered their authority appointed to them by the people and no longer represent the people and are acting as a foreign agent standing against the people of the United States of America.

And by taking these unlawful actions they have relinquished their authority to hold the position of law enforcement agent within the boundaries of the United States of America, and no longer should be considered a law enforcement agent, but a rogue person in the act of criminal activities of a mob of unlawful agents, seeking to do harm and cause death to the American citizens.

At this point all of their legal authority granted by the people has been revoked, and they are wearing the uniform of this nation acting as a spy and enemy combat and against the people of the United States of America, and should be treated accordingly, as laid defined by our laws of war, because these agents have truly declared war on the American people.

Any Agent receiving Emoluments from the people Elected, Hired or Appointed that Violates Their Oath of Office All Rights and Privileges and or Immunities have been waived by Breach of Contract to the People, and NO Longer have ANY Authority Granted to Them By The People of the United States of America, and should be considered a rogue independent agent working to perform harm on or to the people of the United States of America.

And should be apprehended and arrested on site, and by proclamation removing all Emoluments from the possession of that individual or individuals.

The court is required, by law, and honor to Release Darrin Leland Reber from his unlawful captivity and incarceration, Dismiss the Case with extreme prejudice and remove the record.

Darrin Leland Reber Demands Release, His Family and the Entire Community Demand the Release of Claimant from Captivity!

Sheriff T.J. McDermott is lawfully required by Duty, by Oath, and by law, to enforce the "Certified Judgment" against the court and STATE OF MONTANA and Immediately Remove Darrin Leland Reber, the Living Man from the Missoula Probation and Parole.

I, Darrin Leland; Reber, as Principal Creditor, and Beneficiary of the (PCT), the Cestui Que Vie trust by Special Appearance only, do hereby appoint you judge and administrator as trust fiduciary and command you to settle this matter.

If you fail to do so, you are in Dishonor.

On my knees before God, through his beloved Son, Jesus Christ, and the Holy Spirit, a man, A servant of the Lord. Amen.

Proceeding hereby and forever as Sui Juris, a Non-Representative, Non-Agent, Non Personam, by all rights and all powers as ordered by the 9th and 10th amendment of Bill of Rights and Bill of Provisions by The United States of America Constitution. And in accord with the supreme treaties listed in this document including the ICCPR. (1976) Signed by United States 1993.

As One of We the People, I, do hereby politely and with honor, command you, our public servant to follow this Mandate directive and Void Ab Initio.

PER; 28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Executed on 11-15-2018. (date)

Without prejudice, and without recourse, I, hereby place my Autograph below

Darrin Reber

<sup>DA 11-15-2018</sup>  
UCC 1-308 without ~~and~~ prejudice, without recourse

Print UCC 1-308, without prejudice, without recourse

State of Montana  
County of Missoula

DARRIN L REBER appeared before me, Cecile M.  
Sorensen, A NOTARY public, on 11/15/2018.

Delivery to:

Sheriff T.J. McDermott

State of Montana Commissioners

State of Montana Legislators

U.S. Attorney Jeff Sessions

STATE OF MONTANA Attorney General Tim Fox



CECILE M SORENSEN  
NOTARY PUBLIC for the  
State of Montana  
Residing at Missoula, Montana  
My Commission Expires  
June 09, 2022

### Certificate of Service

Delivery through certified mail on Nov. 15th, 2018 to clerk of courts of Montana Supreme Court.

Darrin Reber

I, hereby declare this Certified in truth by my Autograph placed here