

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

MAY - 5 2020

By DOUGLAS F. YOUNG, Clerk
Deputy Clerk

In

The court of record of Luke Bradley Francis,
Federal District Court of Arkansas, Republic of Arkansas
Special term
at
Federal District Courthouse, Western District of Arkansas

Luke Bradley Francis
1502 South 16th Street
Sebastian County, Arkansas 72901
Plaintiff

CASE # 2:20-CV-2073

v.

Mike Hamby, a man
Rob Schibbelhut, a man
Dewey Young, a man
Don Cassidy, a man
Wesley Roe, a man
Steven Creek, a man
Andrew Arnoldi, a man
Kelsey M. Mahan, a man
Detective Bradley Marion, a man
Jason Beeler, a man
Rosalinda Marrufo, a woman
Leslie Rutledge, a woman
VAN BUREN POLICE DEPARTMENT,
a corporation
FORT SMITH POLICE DEPARTMENT,
a corporation
BENTONVILLE POLICE DEPARTMENT,
a corporation

CLAIM AND ACTION OF
TRESPASS FOR DAMAGES
AND DECLARATORY AND
INJUNCTIVE RELIEF FOR ACTS
EXCESS OF CONSTITUTIONAL
LIMITATION INCLUDING THE
FEDERAL RACKETEERING
INFLUENCED AND CORRUPT
ORGANIZATIONS ACT AND
RELATED CLAIMS

DEMAND FOR TRIAL

*Including but not limited to these named
Persons and corporations others to be
Named later. Plaintiff reserves the right to add
Additional defendants as the case progresses.
Defendants*

ACTION OF TRESPASS:

DECLARATION:

VENUE

1. Venue is proper in the DISTRICT OF ARKANSAS. The Defendants, the Fort Smith Police Department and the affiliated governments are located geographically within the State of Arkansas. A substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in Fort Smith, Arkansas. 28 U.S.C. §1391(a)(2). Defendants transacted their affairs in Fort Smith, Arkansas. 18 U.S.C. §1965(a). Fort Smith, Arkansas, is located within the territory known as Arkansas.
2. The defendants' sovereign immunity does not bar this personal capacity action at law as all acts were in excess of any authority, jurisdiction or capacity. *Bradley v. Fisher*, 13 Wall. (80 U.S.) 335, 351, 20 L. Ed. 646. *In State ex rel. Egan v. Wolever*, 127 Ind. 306, 26 N. E. 762, 763, *Manning v. Ketcham*, 58 F.2d 948 (1932).

Commencement, for all actions:

COMES NOW Luke Bradley Francs, who is at all times mentioned in the following declarations and actions at law, one of the People of Arkansas, an American, having come of full age, having been found to be living, competent to give the testimony stated herein, (hereinafter "Plaintiff") and in this court of record, (hereinafter, "Superior Court") comes upon an action of trespass against Mike Hamby, a man, Rob Schibbelhut, a man, Dewey Young, a man, Don Cassidy, a man, Wesley Roe, a man, Steven Creek, a man, Andrew Arnoldi, a man, Kelsey M. Mahan, a man, Detective Bradley Marion, a man. Jason Beeler, a man, Rosalinda Marrufo, a woman, Leslie Rutledge, a woman, VAN BUREN POLICE DEPARTMENT, a corporation, FORT SMITH POLICE DEPARTMENT, a corporation and others to be named later (hereinafter "Defendant(s)") based off of an action in a court of equity jurisdiction (hereinafter "Inferior Court"), and within their roles with the government corporation; and calls upon her to answer Plaintiff in these said actions in the Superior Court to wit:

Statement of cause for the action of trespass:

3. This is an *intra vivos* at law action and claim of trespass in a court of record, proceeding according to the common law, to redress the deprivation of a custom or usage, unalienable right, privilege and immunity secured to Plaintiff by the First, Fourth, Sixth, Seventh, Ninth, and Tenth articles of the bill of rights, as Amendments to the Constitution for the United States of America, known as said constitution's bill of rights, the expatriation act, and all other rights and immunities that a people of the several united republics of America possess under the common law;

all of which the Plaintiff is and was protected by, at all times mentioned, in all causes of action stated herein, and furthermore the jurisdiction of this court is invoked upon the same. Plaintiff seeks an order, judgment and execution from the Superior Court of record, finding and declaring, that the Defendants who were within the de-facto inferior court and acting as employees of the government corporation have worked in collusion in a pattern of multiple crimes, many of which recognized under the Racketeer Influenced and Corrupt Organizations (RICO) act 18 U.S.C. 1961 *et seq*; exceeded their jurisdiction regarding Plaintiff's substantive rights and seeks a judgment from the Superior Court for the damages stated herein as a result of the injuries caused by the Defendants for the harm they have caused the Plaintiff in excess of said jurisdiction and authority.

INTRODUCTION

4. This matter is brought forth under constitutional trespass and cites a myriad of statutory predicates giving rise to the overall constitutional action:
5. This is a complex action for RICO remedies authorized by common law guided by but not under the control of the federal statutes at 18 U.S.C. 1961 *et seq*.; for declaratory and injunctive relief; for actual, consequential and exemplary damages; and for all other relief which this honorable Superior Court deems just and proper under all circumstances which have occasioned this Initial claim. See 18 U.S.C. §§ 1964(a) and (c).

6. The primary cause of this action is a widespread criminal *enterprise*, engaged in a *pattern of racketeering activity*, and a conspiracy to engage in *racketeering activity* involving numerous RICO predicate acts during the past two (2) calendar years.
7. The predicate acts alleged around the primary cause cluster around trafficking, kidnapping, extortion and robbery, as well as acts in excess of the limitations of the United States Constitution by a banking system with intent to profit while acting as a government organization (Attachment A). Other RICO predicate acts and other criminal acts and deprivation of rights, although *appearing* to be isolated events, are part of the overall conspiracy and *pattern of racketeering activity* alleged herein.
8. The secondary cause of this action is a widespread criminal *enterprise*, engaged in a *pattern of racketeering activity*, and a conspiracy to engage in *racketeering activity* involving trespass and conspiracy to deprive rights 18 U.S.C 241 & 242 and 42 U.S.C. 1983, 1985, 1986.
9. The predicate acts alleged here cluster around strategic lawsuits against public participation (SLAPP) § Ark. Code Ann. 16-63-504(2019), retaliation for assertion of first amendment and abuse of government process. The record reveals that the defendants weaponized the judicial process under the colour of authority to harass, intimidate, punish, and maliciously inhibit Plaintiff from engaging in a constitutionally protected activity in retaliation for Plaintiff publishing video evidence of corruption pursuant to § Ark. Code Ann. 16-63-506(b)(2). The first amendment

prohibits government from “subjecting an individual to retaliatory actions for engaging in protected speech,” see *Nieves v Bartlett* 139 S. Ct 1717, 1722 (2019). *Any* form of penalty for protected speech “is forbidden,” see *Surita v Hyde*, 665, F. 3d 860, 871 (7th Cir. 2011). The principle applies equally to law enforcement. Officers may not cite, arrest, jail or threaten individuals for engaging in protected speech, see e.g., *Nieves*, 139 S. Ct at 1722 and *Steffel v Thompson*, 415 U.S. 452 (1974)(setting the record that the mere threat of arrest is sufficient for a first amendment claim); *Fairley v Andrews*, 578 F.3d 518, 525 (7th Cir. 2009). The record will reveal through truth, fact and evidence that the defendants created controversy where none existed in a retaliatory action to Plaintiffs assertion of first amendment protected activities wherein Defendants then have weaponized the court system and judicial process to retaliate against Plaintiff in an effort to silence Plaintiffs protected speech in excess of § Ark. Code Ann. 16-63-502(2) . Other predicate acts and other criminal acts and deprivation of rights, although *appearing* to be isolated events, are part of the overall conspiracy and *pattern of racketeering activity* alleged herein.

10. The primary objective of the racketeering *enterprise* has been to inflict severe and sustained economic hardship upon Plaintiff by acting as an authority where in truth, the organization holds no jurisdiction, with the intent of suppressing, impairing, obstructing, preventing and discouraging Plaintiff from writing, videoing, publishing, investigating and conducting Judicial and Constitutional activism pro-

tected under the first amendment of the United States Constitution as a qualified Private Attorney General.

JURISDICTION

1. This honorable Superior Court has original jurisdiction under the common law pursuant the actions being a trespass on constitutional limitations by a racketeering *enterprise*. The court may review the civil RICO remedies at 18 U.S.C. 1964, and the holdings of the U.S. Supreme Court in *Tafflin v. Levitt*, 493 U.S. 455 (1990), and the U.S. Court of Appeals for the Ninth Circuit in *Lou v. Belzberg*, 834 F.2d 730, hn. 4 (9th Cir. 1987). The court may further review matters including but not limited to 18 U.S.C 241 & 242 and 42 U.S.C. 1983, 1985, 1986. Further, 28 U.S.C. 1331 applies as all statute and law is applicable under said title.

PARTIES

2. Luke Bradley Francis, is one of the people of Arkansas, an American, having come of full age, having been found to be living.
3. Defendants are in collusion by being involved together in the corporation governments in the STATE OF ARKANSAS and funded by governmental entities/racketeering enterprise. Defendants are persons/citizens and/or corporations, commercial in nature, operating under quasi, or mirrored, government authority but in excess of law and constitution. (*Wilson v. Omaha Indian Tribe* 442 US 653, 667 (1979)).

Mike Hamby, a man, is a public servant officer of the inferior commercial court State corporation.

Rob Schibbelhut, a man, is a public servant who operated in excess of jurisdictional limitations.

Dewey Young, a man, is a public servant who operated in excess of jurisdictional limitations.

Don Cassidy, a man, is a public servant who operated in excess of jurisdictional limitations.

Wesley Roe, a man, is a public servant who operated in excess of jurisdictional limitations.

Steven Creek, a man, is a public servant who operated in excess of jurisdictional limitations.

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Kelsey M. Mahan, a man, is a public servant who operated in excess of jurisdictional limitations.

Detective Bradley Marion, a man, is a public servant who operated in excess of jurisdictional limitations.

Jason Beeler, a man, is a public servant who operated in excess of jurisdictional limitations.

Rosalinda Marrufo, a woman, is a public servant who operated in excess of jurisdictional limitations.

Leslie Rutledge, a woman, is a public servant officer of the inferior commercial court State corporation.

VAN BUREN POLICE DEPARTMENT, a for profit privately held corporation operating under the guise of a governmental organization.

FORT SMITH POLICE DEPARTMENT, a for profit privately held corporation operating under the guise of a governmental organization

Including but not limited to named defendants; Plaintiff reserves the right to add additional defendants as the case progresses.

FACTS OF THE CASE

4. Plaintiff now states the following facts regarding the events of April 27 in the year Two Thousand and Twenty and after, and declares the same in these causes of action to the best of his knowledge and recollection to wit:
5. At all times mentioned herein Plaintiff was and is one of the people of Arkansas, and an American.
6. At all times mentioned herein Plaintiff is and was domiciled on private land, County of Sebastian, republic of Arkansas.
7. At all times mentioned herein Plaintiff has been found to be living and has come of full age.
8. At all times mentioned herein Plaintiff was and is a free man.
9. The record shall reveal defendants conspired to deprive Plaintiff of rights under the colour of authority. (Attachment A)
10. The record shall reveal a pattern of abuse of authority by Defendants under the colour of authority. (see Attachment A)
11. The record shall reveal a systematic pattern of harassment, abuse and deprivation of rights by Defendants under the colour of authority. (see Attachment A)

12. The record shall reveal that Defendants created controversy where none existed;
13. The record shall reveal Defendants articulated a will and desire to retaliate against Plaintiff:
14. The record reveals Defendants acted on their will and desire to retaliate by strategic lawsuits to prevent public participation.
15. The record reveals that defendants punished Plaintiff in excess of due process pursuant to *Gerstien v. Pugh*.
16. The record shall reveal through recorded evidence that listed defendants made articulated claim that they intended retaliation against Plaintiff based upon his assertion of rights.

Conclusion of Facts

17. The record reveals that defendants while under the colour of authority used their positions with the State, commercial in nature (1933 act) as a criminal *enterprise*, engaged in a *pattern of racketeering activity*, and a conspiracy to engage in *racketeering activity* involving trespass and conspiracy to deprive rights, deprivation of rights and utilized strategic lawsuits against public participation in excess of statute and Amendment One to suppress the free speech of Plaintiff. Pursuant to the pattern of practice demonstrated by the facts introduced into evidence wherein the defendants and their respective agencies consistently acted in excess of law, statute and due process, Defendants are in excess of jurisdiction and any immunity. Plaintiff has suffered actual damage by those operating under the colour of au-

thority. The record reveals Plaintiff took an active role in recording racially motivated inappropriate police interaction, recording violations of oath, law and statute as well as acts in excess of constitutional limitation. The record reveals the agencies to be rogue, operating in excess of law and in moral turpitude. The officers were recorded conspiring retaliation with full knowledge of who Plaintiff is. The officers were recorded admitting that they stalked Plaintiff and the record reveals a pattern of harassment and unlawful actions by the defendants and their respective agencies. The record reveals that Defendants went to the extent of attempting to coerce Plaintiffs' daughters' mother into filing charges thereby creating controversy where none existed as a retaliatory action for Plaintiff revealing to 35 million online viewers the corruption, racism and moral turpitude of the defendants and their agencies. The record reveals conspiracy to deprive Plaintiff of rights through the use of a quasi, or mirrored, governmental agencies who manufactured "crimes" in retaliation to Plaintiffs activism and succeeded in causing substantial harm to Plaintiff. Pursuant to the patterns of practice revealed on the record, defendants hold no regard for the limitations of law, constitution and duty as demonstrated herein where defendants articulate a will and desire to retaliate (*mens rea*), demonstrate a pattern of extreme harassment/stalking, manufacture charges, illegally search property, cause wanton destruction of property, create controversy where none existed and refuse to follow the arrest requirements of their own State code. The record reveals that defendants acted on the *mens rea* by manufacturing fictitious charges, destroying Plaintiffs property, and providing false information

to a new station who aired an untrue narrative which attacked Plaintiffs character. The record reveals a history of harassment, abuse of authority and criminal acts recognized under the Rico statute. The record reveals an abuse of authority and position by those under the public trust. The record reveals that defendants did not operate within the limitations of statute, law or constitution and thereby cannot be afforded immunity. Given that the exercise of a constitutional right cannot be converted into a crime (*Miller v. US* 230 F 2d. 486, 489 also *Snerer v Cullen*, 481 F. 946) Defendants created controversy where none existed by manufacturing allegations and false information that they strategically placed on public news stations to cause direct harm in retaliation for Plaintiffs publication of corruption that has garnered over 31 million views. Defendants have weaponized the court and judicial system in excess of statutory limitation and conspired to deprive Plaintiff of his inalienable and unalienable rights as retaliation against Plaintiff and in an effort to silence Plaintiffs protected speech in excess of § Ark. Code Ann. 16-63-502(2).

RELIEF REQUESTED

Wherefore, pursuant to the statutes at 18 U.S.C. 1964(a) and (c), Plaintiff requests judgment against all named Defendants as follows:

18. That this Court liberally construe the RICO laws and thereby find that all Defendants, both jointly and severally, have acquired and maintained, both directly and indirectly, an interest in and/or control of a RICO *enterprise of persons* and of

other individuals who were associated in fact, all of whom engaged in, and whose activities did affect, interstate and foreign commerce in violation of 18 U.S.C. 1962(b) (Prohibited activities).

53. That all Defendants and all of their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from committing any more predicate acts in furtherance of the RICO *enterprise* alleged in this action.

54. That all Defendants (Including the office of the District Attorney and the 11th Judicial District of Arkansas) be required to account for all gains, profits, and advantages derived from their several acts of *racketeering activity* in violation of 18 U.S.C. 1962(b) and from all other violation(s) of applicable State and federal law(s).

55. That judgment be entered for Plaintiff and against all Defendants for Plaintiff's actual damages, and for any gains, profits, or advantages attributable to all violations of 18 U.S.C. 1962(b), according to the best available proof.

56. That all Defendants pay to Plaintiff treble (triple) damages, under authority of 18 U.S.C. 1964(c), for any gains, profits, or advantages attributable to all violations of 18 U.S.C. 1962(b), according to the best available proof.

57. That all Defendant persons pay to Plaintiff all damages sustained by Plaintiff in consequence of Defendants' several violations of 18 U.S.C. 1962(b), according to

the best available proof, this shall include \$450,000.00 From each defendant and defendant corporation for the infringement upon Plaintiffs substantive rights.

58. That all Defendant corporations pay to Plaintiff all damages sustained by Plaintiff in consequence of Defendants unlawful detainment kidnapping in excess of *Gerstein v Pugh* at a rate of \$65,000.00 per hour as held acceptable pursuant to *Trezevant v Tampa*.
59. That all Defendants pay to Plaintiff His costs of the lawsuit incurred herein including, but not limited to, all necessary research, all nonjudicial enforcement and all reasonable counsel's fees, at a minimum of \$250.000 per hour worked (Plaintiff's standard professional rate at start of this action).
60. That all damages caused by all Defendants, and all gains, profits, and advantages derived by all Defendants, from their several acts of racketeering in violation of 18 U.S.C. 1962(b) and from all other violation(s) of applicable State and federal law(s), be deemed to be held in constructive trust, legally foreign with respect to the federal zone [*sic*], for the benefit of Plaintiff, His heirs and assigns.
61. That this court enjoin defendants from any administration of Plaintiff or Plaintiffs estate through the enforcement of inapplicable commercial code upon Plaintiff.
62. That shall Plaintiffs retaliate in any way to the filing of this case, that each defendant be responsible for five times (5X) the requested damages.
63. That this court order expungement of all arrest records of Plaintiff by the Corporation Defendants.

62. That Plaintiff have such other and further relief as this Court deems just and proper, under the circumstances of this action.

VERIFICATION

I, Luke Bradley Francis, *Sui Juris*, Plaintiff in the above entitled action, hereby verify under penalty of perjury, under the laws of the United States of America, without the “United States” (federal government), that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge, and belief, so help me God, pursuant to 28 U.S.C. 1746(1). See the Supremacy Clause in the Constitution for the United States of America, as lawfully amended (hereinafter “U.S. Constitution”).

Luke Bradly Francis

1502 16th Street

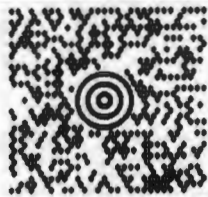
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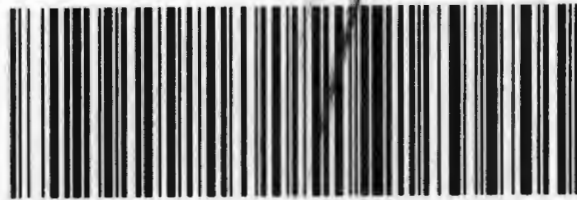


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