

Angie Gilmore 316 516 5912

UNITED STATES DISTRICT COURT

for the

District of Kansas

FILED
U.S. District Court
District of Kansas
JUL 12 2013
Clerk U.S. District Court
By [Signature] Deputy Clerk

United States of America)

v.)

Taylor Wine)
Bryan Hastert)

Case No. ~~13-MC-109-KGG~~

13-MC-109-KGG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12-4-2012 thru 6-25-2013 in the county of Coffey in the
District of Kansas, the defendant(s) violated:

Code Section
18 USC 241
18 USC 242

Offense Description
Conspiracy against rights
Deprivation of rights under color of law

This criminal complaint is based on these facts:

Defendants colluded and otherwise conspired to deprive Complainant of his rights to have the assistance of counsel, due process of law and Kansas B.11 of Right number 10, to defend by counsel.

Complainant has been denied unfettered access to counsel in a consistent and ongoing basis, re: THE DISTRICT COURT OF COFFEY COUNTY KANSAS case number 12CR-63.

Continued on the attached sheets as Truth Affidavit of Ricky Lynn Schmidt.

Complainant's signature

Ricky Lynn Schmidt Kansas
Printed name and title

Sworn to before me and signed in my presence.

Date: _____

Judge's signature

City and state: _____

Printed name and title

TRUTH AFFIDAVIT OF RICKY LYNN SCHMIDT

STATE OF KANSAS)
) ss
COUNTY OF COFFEY)

Comes now, Ricky L. Schmidt, hereinafter, your Affiant, being competent to testify and being over the age of 21 years of age, after first being duly sworn according to law to tell the truth to the facts related herein states that he has firsthand knowledge of the facts stated herein and believes these facts to be true to the best of his knowledge.

1. Your Affiant reaffirms statements of fact contained in the enumerated statements of Affidavit Of Status of Ricky Lynn Schmidt, see Exhibit 1, a true copy, affirmed before notary Shannon K. Sherman on 27 December 2012, and with Apostille number 12-07052 attached and confirming Ms. Sherman's credentials.
2. Your Affiant reaffirms the facts of the CRIMINAL COMPLAINT for which this affidavit is a continuation thereof and is attached to.
3. Your Affiant obtained the following address' for defendants:
 - a. TAYLOR WINE
110 South 6th Street, Suite 102
Burlington, KS 66839
 - b. BRYAN HASTERT
P.O. BOX 1021
OTTAWA, KS 66067
4. Your Affiant further elaborates that specific rights in Bill Of Rights, Amendments V, due process, VI, assistance of counsel for his defense, and XIV, due process of law have been violated in conspiracy against rights of complainant by defendants Taylor Wine and Bryan Hastert.
5. Your Affiant additionally, as complainant, complains that alleged Magistrate Judge Taylor Wine, hereinafter Wine, is acting under color of law as an imposter, your Affiant having requested said Judges certified credentials, and in writing to Wine, and having been denied access to or copies of said credentials by Wine and is in violation of K.S.A. 75-4314 for having received compensation without having filed an oath prior to receiving said compensation (see 4.f. below);
 - a. Best available copy of Wine's oath of office is attached as Exhibit 2.
 - b. Coffey County District Court Clerk refused to certify Wines oath for reason, never filed.
 - c. In part;
Rule 902. Evidence That Is Self-Authenticating

The following items of evidence are self-authenticating; they require no extrinsic evidence

of authenticity in order to be admitted:

(1) Domestic Public Documents That Are Sealed and Signed. A document that bears:

(A) a seal purporting to be that of the United States; any state, district, commonwealth, territory, or insular possession of the United States; the former Panama Canal Zone; the Trust Territory of the Pacific Islands; a political subdivision of any of these entities; or a department, agency, or officer of any entity named above; and

(B) a signature purporting to be an execution or attestation.

(2) Domestic Public Documents That Are Not Sealed but Are Signed and Certified. A document that bears no seal if:


(A) it bears the signature of an officer or employee of an entity named in Rule 902(1)(A); and

(B) another public officer who has a seal and official duties within that same entity certifies under seal — or its equivalent — that the signer has the official capacity and that the signature is genuine.

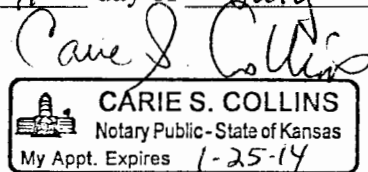
- d. Said oath is not valid by any appearances, no seal, no witness', not filed, never certified, etc., further, the person administering the oath, Phillip M Fromme is also an imposter by all appearances, Phillip's oath has the same discrepancies, see Exhibit 3, and by all appearances is an invalid oath, never filed, Court Clerk refused to certify.
 - e. Witness' required;
 1. 2 Cor 13:1 "This is the third time I am coming to you. In the mouth of two or three witnesses shall every word be established." (KJV)
 2. Responso unius non omnino auditur. The answer of one witness shall not be heard at all. 1 Greenl. Ev. 260. This is a maxim of the civil law, where everything must be proved by two witnesses.
 - f. 75-4314. Same; officer or employee receiving funds without subscribing and filing oath; penalty. Any officer or employee having rendered service for the state or any county, city or any municipality or for any public school district or for any private school, college or university receiving public funds who shall knowingly receive and convert to his or her use any payment for such services without having subscribed **and filed** (emphasis added) an oath as prescribed by this act shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement and hard labor not exceeding five years or in the county jail not less than six months.
6. Your Affiant notices that Wine ordered that your Affiant could only have counsel licensed to practice law in the STATE OF KANSAS and ordered so repeatedly.
 - a. Your Affiant has witness' and other evidence supporting this claim.
 7. Your Affiant notices that Bryan Hastert, hereinafter Hastert, assigned as Standby Counsel by Wine, was fired by your Affiant and for cause, see Exhibit 4.
 8. Your Affiant notices that Wine waived your Affiant's Truth Affidavit, waived the un rebutted truth of Exhibit 4, and forced Hastert upon your Affiant and in writing, see Exhibit 5.
 9. Your Affiant notices that at no time has your Affiant been allowed access to Counsel during the 11 month proceedings of case number 12CR63, as STATE OF KANSAS does not issue licenses to practice law and Wine ordered that your Affiant's Counsel have said license in order to pass through the BAR thereby prohibiting your Affiant from having any counsel.

- a. Not one counsel contacted by your Affiant has been able to produce the license Wine refers to.
10. Your Affiant requests Federal Assistance, if at all possible, in determining additional rights violations said color of law actors, Wine, Hastert, and Phillip M Fromme are perpetrating on your Affiant and other people coming before said Actors in the DISTRICT COURT OF COFFEY COUNTY, KANSAS.

Further, Affiant sayeth naught.


Ricky Lynn Schmidt - Autograph

Before me, Ricky Lynn Schmidt, a Notary Public duly authorized by the State of Kansas, personally appeared Ricky Lynn Schmidt, who has affirmed in my presence, the foregoing document, on this 11th day of July in the year of 2013.



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America

This Public Document

2. has been signed by SHANNON K. SHERMAN

3. acting in the capacity of Notary Public

4. bears the seal/stamp of the State of Kansas

Certified

5. at Topeka, Kansas

6. the 31st day of December, A.D. 2012

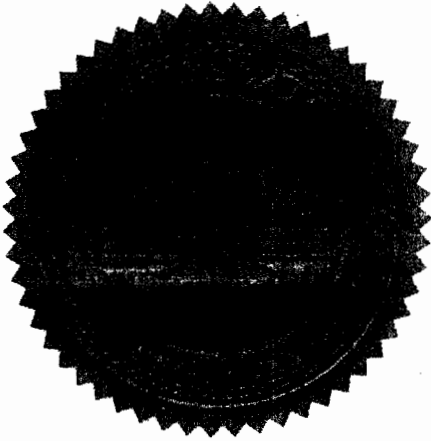
7. by Kris W Kobach, Secretary of State

8. No. 12-07052

9. Seal/Stamp:

10. Signature

True Copy



Kris W. Kobach

and overseen by the People for the benefit of only the People.

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Exhibit 1
pg 1 of 5

Return Mail To:
Ricky Lynn Schmidt
c/o 719 12th Rd SW
Burlington, Kansas [66839]

AFFIDAVIT OF STATUS OF
RICKY LYNN SCHMIDT

STATE OF KANSAS)
) ss
COUNTY OF COFFEY)

Comes now, Ricky Lynn Schmidt, your Affiant, being competent to testify and being over the age of 21 years of age, after first being duly sworn according to law to tell the truth to the facts related herein states that he has firsthand knowledge of the facts stated herein and believes these facts to be true to the best of his knowledge.

1. That your Affiant is one of the People of these united States of America, being a creation of God and born/domiciled in one of the several States.
2. Your Affiant is a living, breathing, sentient being on the land, a living Natural Person man, and therefore is not and cannot be any ARTIFICIAL PERSON and, therefore, is exempt from any and all identifications, treatments, and requirements as any ARTIFICIAL PERSON pursuant to any process, law, code, or statute or any color thereof.
3. Your Affiant notices that in these united States of America, the authority of any and all governments resides in the People, the living Natural Persons male and female, of the land, for government is a fiction of the mind and can only be created by the People, effected by the People, and overseen by the People for the benefit of only the People.

Exhibit 1
pg 2 of 5

4. Your Affiant at all times claims all and waives none of his God given inherent, unlimited, unalienable, secured and guaranteed Rights pursuant to the Declaration of Independence and the Constitution of the united States of America as ratified 1791 with the Articles of the Amendments.

5. Your Affiant notices that pursuant to the Constitution of the united States of America as ratified 1791 with the Articles of the Amendments, Article VI paragraph 2, "This Constitution and the Laws of the united States which shall be made in Pursuance thereof; and all Treaties made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding".

6. Your affiant notices, that as a matter of their lawful compliance to the referenced Constitution, any of the People, while functioning in any Public capacity, in return for the trust of the other People, are granted limited delegated authority of and by the People, with specific duties delineated in accordance thereof, shall only do so pursuant to a lawfully designated, sworn and subscribed Oath of Office and with any and all bonds and other requirements thereof, to ensure their faithful performance to the other People.

7. Your Affiant notices that the only court lawfully authorized by the People pursuant to said Constitution to hear matters in controversy of the People, civil or criminal, is a court that conforms to and functions in accordance with Article III Section 2 of said Constitution in which all officers of the court have and abide by their sworn and subscribed oaths of office supporting and defending the Rights of the People, and in which all matters are heard in accordance with all aspects of due process of law and only Trial by jury and in keeping with the Amendments V, VI, and VII.

8. Your Affiant notices that pursuant to this supreme Law of the Land and the God given Rights secured and guaranteed therein, said Constitution is established to ensure that the dominion granted by God to all People, on this land, shall endure, and ensure forever that this People on this land be free from any and all slavery, indenturement, tyranny, and oppression under color of any law, statute, code, policy, procedure, or of any other type.

9. Your Affiant further notices that pursuant to said Constitution, Affiant cannot be compelled, manipulated, extorted, tricked, threatened, placed under duress, or coerced, or so effected by any living and/or dead Natural Person, who individually, or in any capacity as or under any Artificial Person, agency, entity, officer, or party, into the waiving of any of Affiant's Rights, or to act in contradiction thereof, or to act in opposite of the moral conscience and dominion granted Affiant by God; nor can Affiant be deprived of any of these Rights, privileges, and immunities, except by lawful process in accordance with said Constitution, without that Natural and/or Artificial Person, in whatever capacity, in so doing, causing injury to your Affiant and thereby committing numerous crimes, requiring lawful punishment therefrom.

Exhibit 1
pg 3 of 5

Further, Affiant sayeth naught.

Signature

Ricky Lynn Schmidt
Ricky Lynn Schmidt (seal)

12-27-2012

Date

Autograph

Before us personally appeared Ricky Lynn Schmidt, who affirmed in our presence, the foregoing document on this 27th day of December in the year of our Lord Jesus Christ 2012.

First witness (full and lawful name)

Ernie Alan Tisher / Ernie Alan Tisher 12/27/2012
first middle last Autograph (seal) date

Print blue ink only

Second witness (full and lawful name)

Roger Owen 27 Dec 2012
first middle last Autograph (seal) date

Print blue ink only

Further Affiant sayeth naught.

Signature

Ricky Lynn Schmidt
Ricky Lynn Schmidt

12-27-2012

Date

Autograph

State of Kansas

County of Coffey

Subscribed and sworn to (or affirmed) before me on this 27 day of December, 2012 by Ricky Lynn Schmidt, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Shannon K Sherman
Notary Public (Seal)

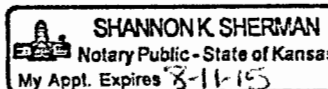


Exhibit 1
pg 4 of 5

Affidavit of True Copy

State of Kansas)
) ss
County of Coffey)

I, Ricky Lynn Schmidt, certify that the foregoing Exhibit 1 is true, correct and complete photocopy that I made of "AFFIDAVIT OF STATUS OF RICKY LYNN SCHMIDT" - Original with APOSTILLE 12-07052 as originally stapled to and still attached.

Ricky Lynn Schmidt
Signature of Affiant

Subscribed and affirmed before me this 11th day for the July month in the year of our Lord and Savior, Two Thousand and Thirteen A.D.

Carie S. Collins
Notary

Address of Notary 407 N. Arrowhead Dr.
New Strawn KS 66839

My Notary Expires 1-25-14

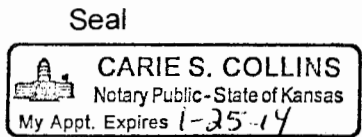


Exhibit 1
pg 5 of 5

OATH OF OFFICE

STATE OF KANSAS }
 } ss:
County of Osage }

I, Taylor J. Wine, do solemnly swear, that I will support the Constitution of the United States, and the Constitution of the State of Kansas and will faithfully discharge the duties of the office of District Magistrate of District Four, Division Number One. So help me God.



A handwritten signature in cursive script, appearing to read "Taylor J. Wine", written over a horizontal line.

Subscribed and Sworn to before me, this 28th day of October, 2011.



A handwritten signature in cursive script, appearing to read "P. M. [unclear]", written over a horizontal line.


Exhibit 2
pg 1 of 1

OATH OF OFFICE

STATE OF KANSAS)

County of Coffey)

I DO SOLEMNLY SWEAR, That I will support the constitution of the United States, and the constitution of the State of Kansas, and faithfully discharge the duties of the office of District Judge of the Fourth Judicial District, Division No. 1, State of Kansas, So help me God.


Phillip M Fromme

Subscribed and Sworn to before me, this 10th day of January, 2011.



Deborah L. Poire
Clerk of District Court

Exhibit 3
pg 1 of 1

Ricky Lynn Schmidt
 c/o 719 12th Rd. S.W.
 Burlington, Kansas [66839-9256]

FILED

2012 DEC -4 AM 9:40

AFFIDAVIT OF DISQUALIFICATION OF COURT APPOINTED COUNCIL
 TRUTH AFFIDAVIT
 OF Ricky:Lynn-Schmidt

STATE OF KANSAS

) ss

COUNTY OF COFFEY

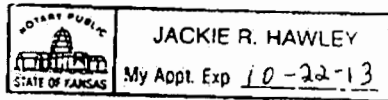
Comes now, Ricky Lynn Schmidt, your Affiant and Defendant-In-Error, being competent to testify and being over the age of 21 years of age, after first being duly-sworn according to Law to tell the truth to the facts related herein states that he has firsthand knowledge of the facts stated herein and believes these facts to be true to the best of his knowledge.

1. At the first hearing of this case the Judge disallowed Defendant-In-Error unfettered access to Council stating that only an Attorney Licensed to practice law could be your Affiant's council.
2. At the first hearing of this case the Judge appointed an Attorney to represent Defendant-In-Error as his council, one BRYAN HASTERT.
3. The Attorney the Judge assigned, BRYAN HASTERT, does not have a license to practice law and this statement is supported by a lawful notification letter sent via certified U.S. mail for which Mr. Hastert is in tacit agreement by his own default.
4. To date, your Affiant is unable to find council [Attorneys being Officers of the Court] meeting all of this courts requirements and the requirements for a valid, timely filed, oath of office as is required by Kansas Statute:
 - a) Statute 75-4308: oath required for public officers and employees. Before entering upon the duties of his or her office or employment, each person to be employed by the state or any agency thereof or by any county, city or other municipality of the state including any school, college or university supported in whole or in part by public funds collected under any tax law of the state or any municipality thereof shall be required to subscribe in writing to the oath set out in K.S.A. 54-106.
 - b) Statute 75-4310: oath required for public officers and employees; administering; filing. Oaths required hereunder shall be administered before the officers and in the manner prescribed by K.S.A. 54-101, 54-102 and 54-103. All oaths administered under the provisions of this act shall be filed in writing with the governing body of the county, city or any municipality or such governing body's duly authorized agent, or in the case of public schools with the superintendent of any such school district, but in the case of the state or any agency thereof such oath shall be filed with the employing state agency. In the case of private schools receiving public moneys as defined in K.S.A. 75-4308, such oath shall be filed in the office of the chief administrative officer of such school, college or university.

Further, Affiant sayeth naught.

Ricky L. Schmidt
Ricky L. Schmidt

Before me, Jackie R. Hawley, a Notary Public duly authorized by the State of Kansas, personally appeared Ricky L. Schmidt, who has affirmed in my presence, the foregoing document, on this 7 day of December in the year of 2012.



Jackie R. Hawley
Notary Public

Exhibit 4
pg 2 of 3

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above and foregoing was served by hand delivery to the office of Coffey County Attorney on this 4th day of December, 2012 at address:

Coffey County Courthouse
Burlington, Kansas

Agent and Authorized
Representative of defendant-in-error,

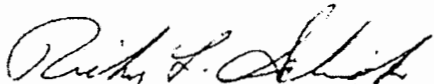

Ricky L. Schmidt

Exhibit 4
pg 3 of 3

FILED

IN THE DISTRICT COURT OF COFFEY COUNTY, KANSAS

2013 JAN -9 AM 8: 17

STATE OF KANSAS

PLAINTIFF

CLERK OF DISTRICT COURT
COFFEY COUNTY, KS

V.

CASE NO. 2012-CR-63

RICKY L. SCHMIDT

DEFENDANT

FINDINGS AND ORDER RELATING TO DEFENDANT'S MOTION FILED

DECEMBER 14, 2012

Comes now the Court, on its own motion, and makes the following findings and orders:

The defendant filed a motion titled "Truth Affidavit" with the Court on December 14, 2012 consisting of 13 pages. The Court, in liberally construing the motion of the pro se defendant, construes the document as a Motion to Dismiss and Motion for New Counsel.

The Court, after review of the file and arguments presented by the motion, declines to grant the defendant's motion to dismiss.

IT IS THEREFORE ORDERED, ADJUGED, AND DECREED that the defendant's motion to dismiss is denied.

At prior hearings the Court advised the defendant of his right to hire legal counsel, or to have legal counsel appointed should he be unable to afford legal counsel. The defendant declined legal counsel, and chose to represent himself. The Court admonished and cautioned the defendant about the hazards of representing himself, and the defendant remained adamant in his own representation.

At a prior hearing the Court appointed Brian Hastert to serve as standby counsel. The defendant objected to this appointment. The Court found that Brian Hastert is an attorney licensed to practice law in the State of Kansas and is in good standing with the Kansas Bar. The Court found a standby attorney may be necessary for the benefit of the defendant, as the defendant is not trained or licensed in the practice of the law.

Exhibit 5
Pg 1 of 2



STATE OF KANSAS } ss
COFFEY COUNTY }
The above is a true and correct copy of the
record filed on the 09 day of January,
2013 and recorded in this court, the
Fourth Judicial District Court, Burlington, KS.
Done this 09 day of May, 2013
By [Signature]
Deputy

The defendant, in the present motion, indicates the Court has denied him the right to represent himself or to hire counsel of his choosing. The Court finds the defendant has always had the right to represent himself, and to communicate with the prosecutor regarding the matter, including but not limited to obtaining discovery and negotiations. The Court also finds that the Court informed the defendant at his initial appearance that he may hire his own attorney, of his choosing, to represent him so long as he is authorized to practice law in the State of Kansas.

The Court finds the defendant has failed to show good cause or reason for new standby counsel.

IT IS THEREFORE ORDERED, ADJUGED, AND DECREED that the defendant is representing himself in this matter, that he and the prosecutor have had and continue to have the right to communicate with each other directly regarding this matter, and that Brian Hastert shall remain standby counsel for the defendant.

Any relief not specifically granted in this order is hereby denied.

IT IS SO ORDERED.



01/09/2013
Taylor Wine, Magistrate Judge

Exhibit 5
pg 2 of 2