IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	**Case No. 1:12-cr-872**
CHERRON MARIE PHILLIPS,	)	
	)	
Defendant.	)	

COURT'S SENTENCING MEMORANDUM

REAGAN, District Judge:

On June 16, 2014, after a jury trial, Defendant Cherron Marie Phillips, also known as "River Tali" and "River Tali Bey," was found guilty of 10 of 12 charges of retaliating against a federal judge or federal law enforcement officer by false claim, in violation of 18 U.S.C. § 1521 (Doc. 1). More specifically, Phillips filed false liens and encumbrances against the real and personal property of numerous federal judges, prosecutors and law enforcement agents. Sentencing is scheduled for October 14, 2014.

The Court, as part of its sentencing obligation, is to consider "the nature and circumstances of the offense." 18 U.S.C. § 3553(a)(1). Since the offense of conviction generally, and the sovereign citizen movement in particular, is—unlike a drug or gun case—one with which the undersigned lacks familiarity, extra-judicial research was initiated and the results presented in Sections I-III. Section IV discusses the United States Sentencing Guidelines as they may specifically apply to Defendant Cherron Phillips.

I. Introduction

In an attempt to understand the relatively new statutory offense, the liens at issue in this case, as well as the history and characteristics of the defendant, the Court has attempted to educate itself. *See* 18 U.S.C. § 3553(a)(1). A review of the history of the 2008 law is offered as a basis for perspective on the little-known charged crime. Similarly, the information the Court has gathered regarding the so-called "sovereign citizen" movement is *not* offered as judicially noticed facts under Federal Rule of Evidence 201, and is *not* attributed to Defendant Phillips. *See United States v. Courtland*, 642 F.3d 545 (7th Cir. 2011) (recognizing that the Court's pre-sentencing memorandum regarding the offense of dog fighting was not a violation of the separation of powers, but was entirely appropriate and reflected a respect for the adversarial process by relating to the parties the Court's knowledge about the species of crime). The following background information particular to Cherron Phillips is offered *solely* to illustrate why the Court has had to perform research outside the record of this case.

In February 2011, a package of documents was mailed to Chief Judge James F. Holderman in connection with Devon Phillips'[1] criminal case (*see* Government's Exhibit 30). Among the documents in the package was a "Common Law Bill of Indictment" against Judge Holderman, purportedly issued under the authority of the "Office of Common Law Sovereign American Consulate." The package also included other pseudo-legal pleadings, many referencing the Uniform Commercial Code ("U.C.C."). One document asserts that Judge Holderman, Judge Joan Humphrey Lefkow (who was presiding over Devon Phillips' trial), and *all* judicial officers and public officials were divested of their powers in 1795, pursuant to the Eleventh Amendment.

[1] Devon Phillips is Defendant Cherron Phillips' brother.

The liens at issue in Cherron Phillips' case were allegedly filed in March 2011 with the Cook County Recorder of Deeds in retaliation for the federal investigation and prosecution of Defendant's brother. The liens apparently were the culmination of a pseudo-legal process that began with the "Common Law Bill of Indictment."

Each lien is unusual on its face. The liens are captioned and in the form of a "Notice of Claim of Maritime Lien," with each federal official named as the encumbered "vessel" (*see* Government's Exhibits 1-5, 7-8, 10-12). "River Tali" signed and affixed a fingerprint to each lien, identifying herself as the creditor. According to the documents, each named official owed Devon Phillips $100 billion.

Cherron Phillips, in her own name, rather than the alias "River Tali," eventually "revoked" the liens (*see* Government's Exhibits 18, 19). Ms. Phillips subsequently sent letters of apology to five of the affected officials (*see* Government's Exhibits 23-27). The letters explained that Phillips had mistakenly listened to "patriot people" regarding how to remedy the perceived injustice that had occurred to her brother. Among the items seized from Cherron Phillips' home were a "World Passport," and "Application for Moorish Great Seal Tax ID, Nationality & Right to Travel Card" (Government's Exhibits 35, 37).

Defendant Phillips' initial motion *in limine* was granted, prohibiting witnesses from using the terms "domestic terrorist" and "domestic terrorism" at trial (*see* Docs. 128, 146). However, Defendant specifically indicated that she had no objection to the terms "sovereign citizen" and "patriot movement" (*see* Doc. 128). Nevertheless, at the start of trial, another motion *in limine* was granted, barring reference to "sovereign citizens," "patriot groups," anti-government groups and their activities, and the like (*see* Docs. 151, 156). Thus, the Sovereign Citizen movement did

not become an issue at trial, *per se*, although the unusual nature of the liens was certainly evident.

Again, the Court stresses that its investigation into the Sovereign Citizen movement is for generic informational purposes and should not be construed as being applicable to Cherron Phillips, who is neither answerable for all the indiscretions described in this memorandum that led to the passage of 18 U.S.C. § 1521, nor those committed by other followers of the Sovereign Citizen movement.

II. The History of 18 U.S.C. § 1521

Congress passed the Court Security Improvement Act of 2007 in order to "improve judicial security for court officers and safeguard judges and their families,"[2] specifically by "help[ing] ensure that the dedicated women and men of our judiciary have the resources, security, and independence necessary to fulfill their crucial responsibilities."[3] The bill was proposed in response to the murder of United States District Judge Joan Humphrey Lefkow's mother and husband in 2005,[4] the murder of a state judge, a court reporter, and a sheriff's deputy at a courthouse in Atlanta less than two weeks later, and the murder of another state judge in Nevada in 2006, among other incidents.[5] The record suggests that the bill passed both houses of Congress without much substantive opposition—passing by a vote of 97-0 in the Senate.[6]

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[2] H.R. REP. NO. 110-218, at 8 (2007).

[3] S. REP. NO. 110-042, at 2 (2007).

[4] It is a cruel irony that Judge Lefkow was the target of one of Phillips' liens in this case.

[5] H.R. REP. NO. 110-218, at 8-9, S. REP. NO. 110-042, at 2.

[6] 153 CONG. REC. S15789 (daily ed. Dec. 17, 2007) (statement of Sen. Leahy).

The statutory offense at issue in this case, 18 U.S.C. § 1521, was only one small part of a larger bill. This section, titled "Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title," states:

> Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.

The bulk of the Court Security Improvement Act focuses on the physical safety of judges and judicial employees. Due to the lack of substantive opposition to the bill and the anomalous subject matter of the false lien provision, the record provides little insight into Congress's purpose in enacting 18 U.S.C. § 1521. The House Report states that the section was "intended to penalize individuals who seek to intimidate and harass Federal judges and employees by filing false liens against their real and personal property."[7] Testimony in a hearing on the bill used substantially similar language, noting that the section was considered necessary due to "members of the federal judiciary [being] victimized by persons seeking to harass or intimidate them by the filing of false liens against the judge's real or personal property."[8] Generally, these liens were intended to harass a judge who presided over a case involving the filer, a family member, or an acquaintance.[9] In other cases, they were filed to harass a judge against whom the filer had

[7] H.R. REP. NO. 110-218, at 17 (2007).

[8] *Hearing Before the Subcommittee On Crime, Terrorism, and Homeland Security of the Committee of the Judiciary of the House of Representatives on H.R. 660*. 110th Cong. 50 (2007) (statement of Judge David B. Sentelle on behalf of the Judicial Conference of the United States).

[9] *Id.*

initiated a civil action.[10] At the time of passage, these false filings were "most prevalent in the state of Washington and other western states,"[11] but had been seen throughout the country, and Canada.[12]

While the congressional record provides sparse comment on the history behind Section 1521, national case law shows a long history of retaliatory liens filed against government officials. These cases range from at least the early 1980's until today,[13] and show that false liens are commonly filed against I.R.S. employees,[14] judges,[15] and other government officials,[16] generally by those who claim that the income tax is illegitimate or who consider themselves "sovereign citizens." By 1995, there was no county in the state of Washington "without at least one false lien filed against a public official."[17] Between 1995 and 1999, 27 states enacted statutes intended to prevent these liens from being filed or from having any effect.[18] These

[10] *Id.*

[11] *Id.*

[12] *Meads v. Meads*, 2012 ABQB 571 (Can.).

[13] *See, e.g., United States v. Williamson*, 746 F.3d 987 (10th Cir. 2014); *United States v. Hart*, 545 F.Supp 470 (D. N.D. 1982).

[14] *See, e.g., Williamson*, 746 F.3d at 989; *Ryan v. Bilby*, 764 F.2d 1325 (9th Cir. 1985); *United States v. Van Dyke*, 568 F.Supp. 820 (D. Or. 1983); *Hart*, 545 F.Supp. at 470.

[15] *United States v. Reed*, 668 F.3d 978, 981 (8th Cir. 2012).

[16] *See, e.g., Johnson v. United States*, 2013 U.S. Dist. LEXIS 56785 (S.D. Ill. Apr. 20, 2013).

[17] Robert Chamberlain and Donald P. Haider-Markel, *"Lien on Me": State Policy Innovation in Response to Paper Terrorism*, 58 AMERICAN RESEARCH QUARTERLY 449, 455 (2005).

[18] *Id.* at 450.

statistics show the widespread nature of the problem Congress addressed when it enacted Section 1521.

Since its enactment, two appellate courts have dealt with cases centering on Section 1521. *United States v. Hoodenpyle,* 461 Fed.Appx. 675 (10th Cir. 2012), and *United States v. Reed,* 668 F.3d 978 (8th Cir. 2012), considered what types of actions can be considered a "false [or fictitious] lien or encumbrance against … real or personal property" under the statute. In *Hoodenpyle*, the defendant was assessed over a million dollars in unpaid taxes, and filed a "Notice of Equity Interest and Claim" in retaliation against the I.R.S. officer tasked with collecting the money. 461 Fed.Appx. at 676. He proceeded to argue that this was not a "lien or encumbrance" as defined by the statute, but rather that it "was merely a 'claim' or 'notice' that stated a '*belief*,' " and never asserted that the I.R.S. officer actually owed him anything. *Id*. at 677. Based on the language of the Notice, which stated that Hoodenpyle "claimed an interest, if not all interest in the property described," and the ensuing confusion actually experienced by a title examiner, the court found that there was sufficient evidence for a jury to consider the Notice a "lien or encumbrance" under Section 1521. *Id*. at 678.

In *Reed*, decided two days after *Hoodenpyle*, the Eighth Circuit completed a more thorough examination of the statute in an attempt to answer the same question: whether a particular type and format of filing could suffice as a lien or encumbrance against real or personal property. Davis, one of the defendants, filed a U.C.C. financing statement against Judge Daniel Hovland in retaliation for his failure to dismiss a firearms charge pending against the second defendant, Reed. 668 F.3d at 981. The financing statement listed Hovland and United States Attorney Lynn Jordheim as debtors to the tune of $3.4 million, with Davis as the secured party. *Id*. Davis unsuccessfully argued that the government failed to prove a violation

of Section 1521 because "the UCC-1 financing statement listed no 'real or personal property' of Judge Hovland as collateral." *Id*. at 982.

Both "lien" and "encumbrance" have accepted legal definitions. A "lien" is "a property right, usually a legal right or interest that a creditor has in a debtor's property, whether perfected or merely claimed." *Id.* Similarly, an "encumbrance" is a claim or liability that attaches to property, usually though not always real property." *Id*. Neither is created by the act of filing, but rather the filing is a method of "perfecting" the lien or encumbrance claim against the rights of the other parties with claims to the property. *Id*. at 982-83. Based on these definitions, the Eighth Circuit determined that Congress only intended Section 1521 to apply to "filings that harass by claiming rights to the property of public officials," and not to other types of filings that may harass public agencies or officials. *Id*. at 983. Further analysis to determine if a filing fits within this framework depends on what type of lien or encumbrance was filed in a particular case, and as *Hoodenpyle* suggests, there are a wide array of documents that could fit.

The U.C.C.-1 financing statement, which Reed referred to as a lien, is a contractual lien under the meaning Section 1521. *Id.* The collateral that Reed listed, however, did not fit that seen on a typical U.C.C. filing, and included the case information for a case being tried by Jordheim in front of Judge Hovland, and a supposed debt of $3.4 million, among other things. *Id*. at 984. This incoherence was irrelevant, the Eighth Circuit ruled, because Section 1521 merely is "triggered by the filing of a false or fictitious lien, whether or not it effectively impairs the government official's property rights and interests." *Id*. at 84-85. The statute deals specifically with false and fictitious filings. These filings are usually legally insufficient by their definition, so that cannot itself be a defense.

By combining the history of false liens prior to the enactment of Section 1521, the slim legislative history on the section and the wider bill it was a part of, and the few cases that have gone through the circuits since its enactment, a clearer picture of the purpose and idea of Section 1521 begins to appear. For at least three decades, public officials have been harassed with false liens that, although clearly legally insufficient once examined, create inconveniences and delays in the sale or acquisition of property. In response to this problem, the Court Security Improvement Act of 2007 was concerned not only with protecting the physical safety and autonomy of judges and public officials, but also, through Section 1521, with protecting their financial safety and autonomy. *Hoodenpyle* and *Reed* have created a clear but wide interpretation of the law that applies to any retaliatory financial harassment that harms those public officials it is directed at. Furthermore, the Tenth Circuit recently rejected a "good faith" defense that was premised upon the "knowing or having reason to know that such a lien or encumbrance…" provision in Section 1521. *See United States v. Williamson*, 746 F.3d 987 (10th Cir. 2014). A defendant can be guilty even if he honestly believed the lien was false, as long as that belief was not reasonable—even if an expert testifies that the defendant suffered from a delusional disorder that prevented him from abandoning his beliefs when confronted with overwhelming evidence that the belief was incorrect. *Id*. at 994.

It is in this context that the present case arose.

III. The Sovereign Citizen Movement

The first case prosecuted using 18 U.S.C. § 1521 was *United States v. Petersen*, Case No. 09-cr-87-DWF-AJB (D. Minn. filed April 8, 2009). Petersen characterized himself as a "sovereign citizen" and he was a founding member of the Montana Freemen. In the 1990's, the Freemen claimed a $77 million lien against a federal judge and then wrote phony checks based

on a scheme built around the lien. They intimidated creditors who did not honor the checks. In 1996, the arrest of Petersen and other leaders triggered an 81-day standoff with the F.B.I. From prison, Petersen targeted three judges with liens and offered a bounty for their arrest.[19] His case was never reviewed on appeal, but in the district court he unsuccessfully pursued a defense premised upon his "sovereign citizen" beliefs. *See United States v. Petersen*, __F.Supp.2d __, 2009 WL 3062013 (D. Minn. 2009). Ultimately, Petersen was sentenced to 90 months' imprisonment on each of six counts of violating 18 U.S.C. § 1521, sentences to be served concurrently. *Petersen*, Case No. 09-cr-87-DWF-AJB, Doc. 92.

A. The Origins of the Ideology

The Sovereign Citizen movement is a complex ideology of interconnected beliefs. Although the movement has received some media attention in recent years, this attention tends to focus on violent outbursts from a certain subset of followers.[20] This is one aspect of the movement, but focusing solely on it fails to get at the heart of the basic beliefs the followers hold, and ignores the nonviolent, but highly obstructionist, tactics that most followers use to inconvenience and interrupt the courts and government officials. Their fascination with the U.C.C., admiralty law, and the filing of liens may seem arbitrary at first glance, but is actually part of a comprehensive interpretation of various historical events which, while wrong, form the basis of the entire movement, and explain the importance of these fascinations. This section of

[19] *See* http://www.fbi.gov/Minneapolis/press-release/2010/mp040610 (accessed Sept. 24, 2014).

[20] *See, e.g.*, Daniel Hernandez & Joseph Langdon, *Federal rangers face off against armed protesters in Nevada 'range war,'* THE GUARDIAN, Apr. 13, 2014, *available at* http://www.theguardian.com/world/2014/apr/13/nevada-bundy-cattle-ranch-armed-protesters; Brian Bennet, *'Sovereign citizen' movement now on FBI's radar*, LOS ANGELES TIMES, Feb. 23, 2012, *available at* http://articles.latimes.com/2012/feb/23/nation/la-na-terror-cop-killers-20120224 (accessed Sept. 25, 2014).

the memorandum discussing the origins and history of the Sovereign Citizen movement and its specific beliefs and practices is generic; that is, the Court does not suggest that each and every belief or action is applicable to the present case, which has its own history and fact pattern.

The roots of the Sovereign Citizen movement are found in a number of earlier movements, primarily the Posse Comitatus of the 1970's, and the Common Law movement of the 1980's.[21] Both of these movements were tinged with racism, which was overt in the Posse Comitatus, but more latent and varying within the wider Common Law movement.[22] The Posse Comitatus failed to achieve a widespread following, perhaps due in part to the racist themes, but by the 1980's, the Common Law movement found greater success. A major contributing factor to this success was the Farm Crisis of the 1980's, an economic recession that forced farmers to sell their land, machinery, and homes to pay off debts accrued during an economic bubble in the 1970's.[23] After losing everything, concepts that had once sounded crazy when posited by the Posse Comitatus a decade earlier now made more sense. Understanding these ideas as interpreted by the Common Law movement is key to understanding the present Sovereign Citizen movement because, while many of the racial undertones have been removed or muted, the basic framework remains the same.

Two actual historical events and a myth based on a third historical event form the framework for the Common Law ideology and the bedrock of the modern Sovereign Citizen movement. The first historical event is the passage of the Fourteenth Amendment in 1868. In

[21] Chamberlain, *supra*, at 450.

[22] Susan P. Koniak, *When Law Risks Madness*, 8 CARDOZO STUDIES IN LAW AND LITERATURE 65, 76-77 (1996).

[23] *Id.* at 69.

the Common Law narrative, the Amendment "created a new and inferior form of citizenship, federal citizenship, to be contrasted with sovereign, state citizenship, recognized by the original (and valid) Constitution"[24] This bifurcation of citizenships has massive implications for the rights of federal citizens, on the one hand, and sovereign citizens on the other.

Federal citizens are subject to the jurisdiction of both the federal government the federal courts, while sovereign citizens are not.[25] Sovereign citizens also believe that only they receive the full protections of the Bill of Rights. In their view, the Fourteenth Amendment, rather than extending the protections of the Bill of Rights to prevent intrusion by the states, instead limits "federal citizens to protections against interference with 'due process' and denials of 'equal protection of the laws,' which describes a much more limited form of freedom."[26] Sovereign citizenship "belongs to group members as a matter of birthright, guarantees one freedom from tyranny (the jurisdiction of the federal and state governments and their illegitimate courts), and recognizes one's God-given inalienable rights."[27] In contrast, Fourteenth Amendment citizenship is "a badge of slavery, made for lesser beings, specifically African-Americans and others considered non-white."[28] For current sovereign citizens, this distinction remains, although the racial components have mostly been subdued, allowing for African-American adherents, or at least the co-opting of Sovereign Citizen/Common Law principles by African-Americans.

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[24] *Id.* at 82.

[25] *Id.*

[26] *Id.*

[27] *Id.* at 76.

[28] *Id.* at 77.

The second important historical event is actually a series of actions taken during the Great Depression. In 1933, President Roosevelt proclaimed a state of emergency, which Common Law movement adherents claim was declared unlawfully, has never been rescinded, and continues to suspend the people's rights to this day.[29] This problem was exacerbated in 1938 by the Supreme Court's decision in *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938), which ruled that there is no federal common law.[30] As with the Fourteenth Amendment, Common Law adherents understand this statement differently than the mainstream legal community. To judges, lawyers, and academics, *Erie* confirms the right of state courts to create their own common law without federal court intervention. To Common Law adherents, it represents the death of the common law, since allowing states to define their own law is not "common" as they understand the term, which is as "a type of natural law ordained by God."[31]

The facts of *Erie* and the Supreme Court's reasoning are also important, however, and form the basis of the movement's fascination with admiralty law and glorification of the U.C.C. To the movement's followers, the basic facts of that case are as follows:

> [T]he state law, which triumphed in [the] case, limited the railroad's duty of care to those with whom the railroad was in privity of contract. When injured, Tompkins had been walking beside the tracks, a pedestrian not a passenger, and thus someone not in privity of contract with the railroad. In the Common Law world the result in *Erie* (state privity of contract rule governs) demonstrates that *Erie* substituted contract law for the Common Law, which at the time imposed a duty of care toward foreseeable others, like the pedestrian Tompkins.[32]

[29] *Id.* at 79.

[30] *Id.* at 84.

[31] *Id.*

[32] *Id.* at 85.

Importantly, this interpretation means that contract and commercial law have usurped the role of the common law in the federal courts. The Federal Rules of Civil Procedure were adopted in the same year that *Erie* was decided, and abolished the distinction between actions at law and suits in equity.[33] Adherents understand "actions at law" to be commensurate to "common law," but since the Supreme Court abolished the common law, suits in equity must now be treated as if they were admiralty suits, the only other type of jurisdiction available.[34] The combination of *Erie* and the adoption of the Federal Rules explains why sovereign citizens often claim that federal courts can only exercise admiralty jurisdiction, and why sovereigns sometimes file retaliatory maritime liens.[35]

As noted, the contract-based reasoning in *Erie* also explains sovereign citizens' insistence on using phrases and forms from the U.C.C. in all their dealings with the government, in addition to their renunciation of anything that could be viewed as a contract with the government. Since sovereign citizens perceive that the government's jurisdiction is now based on contract law, instead of on the Constitution, they also believe that the U.C.C. is, in essence, the central text of American law. Section 1-207 of the U.C.C. is especially important; it is intended for situations "where one party is claiming as of right something which the other believes is unwarranted."[36] Sovereign citizens believe the government is claiming a right that is unwarranted. The government is "claiming a right to impose its extra-constitutional (statutory, contract-based, admiralty) law on the Common Law [sovereign citizen] community," and the community

[33] *Id.*

[34] *Id.* at 86.

[35] *Id.*

[36] U.C.C. § 1-207, Comment.

believes the government lacks that jurisdiction.[37] Under Section 1-207, if a party expects a pending dispute but would like to continue performance of the contract, they should go "ahead with delivery, acceptance, or payment 'without prejudice,' 'under protest,' 'under reserve,' 'with reservation of all our rights,' and the like."[38] This is why sovereign citizens commonly write those phrases on government documents, drivers' licenses, and anything else that they perceive as an offer of a contract by the government. Sovereign citizens believe that U.C.C. § 1-207 removes them from the state's law, but it is U.C.C. § 1-103 that makes them believe the state must now follow their law instead. U.C.C. § 1-103 provides that "contracts are subject to general legal principles of common law where that law is not specifically displaced by the U.C.C."[39] To sovereign citizens, this means that when they opt out of the state law under U.C.C. § 1-207, then U.C.C. §1-103 requires the state to return to using the common law when dealing with them.

This myth at the heart of the "redemption theory" adopted by many present day sovereign citizens is that the United States government went bankrupt and began using different citizens as collateral in trade agreements with foreign governments.[40] The historical basis for this theory is the federal government's abandonment of the gold standard in 1933. Supposedly, without gold to back its money, the government instead uses its citizens as collateral—"so-called "strawmen"—so it can borrow money. The government purportedly maintains secret treasury

[37] Koniak, *supra*, at 90.

[38] U.C.C. § 1-207, Comment.

[39] Koniak, *supra*, at 91.

[40] *Sovereign Citizens: An Introduction for Law Enforcement*, 1 (Nov. 2010), http://info.publicintelligence.net/FBI-SovereignCitizens.pdf (accessed July 16, 2014).

accounts, created at birth using a person's social security number.[41] These accounts are referred to as "strawman accounts," and supposedly each contains hundreds of thousands of dollars, if not millions.[42] Using a U.C.C. filing statement, a sovereign citizen can access the funds in his secret account.[43] By filing various documents—usually provided by a "guru" or "expert" of some kind—sovereign citizens believe that they can separate the "strawman" from their "flesh and blood" natural body, and thereby avoid paying taxes and, in some cases, avoid other legal liability.[44] This is the sort of theory relied upon by Daniel Ernest Peterson (the first to be prosecuted under 18 U.S.C. § 1521) and the Montana Freeman, discussed earlier.

The path to becoming a "sovereign citizen" is relatively complicated. The prospective sovereign must file a "Quiet Title Action" in a Common Law court, and must then appear in that court and present a birth certificate that shows they were born in a state of the union.[45] Washington, D.C., is considered to be under the legitimate control of the federal government, so anyone born there cannot be a sovereign citizen.[46] The symbolism in these actions is strong, and explains the importance of liens as retaliatory or offensive weapons. Normally, a quiet title action is brought to remove any cloud on the title of land, whereas sovereign citizens use it to

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[41] F.B.I., *Common Fraud Schemes*, http://www.fbi.gov/scams-safety/fraud/fraud#redemption (accessed Aug. 8, 2014).

[42] NATIONAL ASSOCIATION OF SECRETARIES OF STATE, *State Strategies to Subvert Fraudulent Uniform Commercial Code (UCC) Filings: A Report for State Business Filing Agencies* (April 2014).

[43] *Id*.

[44] F.B.I., *Common Fraud Schemes*, *supra*.

[45] Koniak, *supra*, at 68.

[46] *Id.*

remove any supposed cloud on the title of their body.[47] Filing liens against anyone who questions or denies them the rights they believe they have is, therefore, an act of empowerment and an exercise of what they perceive to be their inalienable rights. Additionally, filing liens is a way for sovereign citizens to impose a real penalty within our system, even if that penalty ultimately means nothing once examined in depth.[48]

B. Ideology in Action

Understanding the bases of what sovereign citizens believe is necessary to understanding the outcomes and actions that their beliefs cause. Nonetheless, the current Sovereign Citizen movement is difficult to simply define. The F.B.I. succinctly states that "[s]overeign citizens believe the government is operating outside of its jurisdiction and generally do not recognize federal, state, or local laws, policies, or governmental regulations."[49]

To a sovereign citizen, "the income tax is unconstitutional; social security numbers are a mark of second-class citizenship; state laws requiring licenses to drive a motor vehicle are a violation of their right to travel; and federal and state court jurisdiction over Sovereign Citizens is invalid."[50] As a result, many sovereign citizens do not pay taxes; most renounce their social security cards, which are a "contract" with the government, and renunciation of any other "contracts" (welfare payments, etc.) is also common.[51] As already mentioned, this also applies to "contracts" with state governments, so many sovereigns will renounce their driver's license

[47] *Id.*

[48] *Id.* at 92.

[49] *"Sovereign Citizens: An Introduction for Law Enforcement,"* (Nov. 2010), http://info.publicintelligence.net/FBI-SovereignCitizens.pdf (visited July 16, 2014).

[50] Koniak, *supra*, at 73.

[51] *Id.* at 89.

and license plates.[52] If a sovereign citizen wants to file a federal lawsuit, they generally will only file it in the D.C. District Court, since they believe that D.C. is the only legitimate seat of federal power.[53] Each of these actions, of course, has practical ramifications. Most make it more likely that sovereign citizens will come into contact with the government, either because they did not pay their taxes, or they are driving around without license plates, or any number of other actions that draw the attention of officials.

The current Sovereign Citizen movement is related to, and interconnected with, various other contemporary movements that share many of the same beliefs, although each adds and subtracts particular details as best suits their particular ideology. In a comprehensive decision, a Canadian court characterized the adherents to these various movements as "Organized Pseudolegal Commercial Argument" [O.P.C.A.] litigants.[54] The movements in Canada differ only in negligible ways from the movements in the United States, and many of the Canadian litigants cite United States law and sources (constitutional amendments and the U.C.C.) in Canadian courts.[55] This is a particularly fruitless exercise, of course, but is only marginally less likely to be successful than other O.P.C.A. strategies. Many followers may participate in or otherwise follow any number of these movements at once, and some blend details from each into their own beliefs. Some of these related movements are: Detaxers, Freemen-on-the-Land, Moorish law, and others.[56] At present, there are an estimated 300,000 sovereign citizens.[57]

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[52] *Id.*

[53] *Id.* at 68.

[54] *Meads*, 2012 ABQB at ¶ 1.

[55] *Id.* at ¶ 141.

[56] *Id.* at ¶ 1.

The Moorish Science Temple, for example, has some members who have adopted the beliefs and tactics of the Sovereign Citizen movement, while other Moors[58] categorically reject the Sovereign Citizen movement's principles.[59] The Moorish Science religion was establish in American in the early twentieth century, based on principles of black nationalism and the belief that members have rights that predate the Constitution and are derived from God's law.[60] However, according to Brother R. Jones Bey, grand sheik of the Moorish Science Temple, sovereignty is not a tenet of the true Moorish Science religion.[61]

One sovereign citizen convicted under a state law similar to 18 U.S.C. § 1521 characterized the filing of liens against officials as "death by a thousand paper cuts."[62] In response to the growing use of this form of "paper terrorism," the National Association of Secretaries of State and the International Association of Commercial Administrators have formed a joint task force to deal with the bogus filings which they identify as problematic for the following reasons:[63]

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[57] NATIONAL ASSOCIATION OF SECRETARIES OF STATE, *supra.*

[58] Adherents of this religion refer to themselves as "Moors" or "Asiatics." http://www.moorishsciencetempleofamericainc.com/moorishhistory.html (accessed Sept. 25, 2014).

[59] Travis Gettys, *Sovereign Moors: An anti-government obsession spreads to the black community*, Aug. 26, 2014, http://www.rawstory.com/rs/2014/08/sovereign-citizens-express-fears-of-lawlessness-by-rejecting-laws (accessed Sept. 25, 2014).

[60] The Nation of Islam broke off from the Moorish Science Temple. *Id*.

[61] Gettys, *supra*.

[62] Erica Goode, *In Paper War, Flood of Liens is the Weapon*, NEW YORK TIMES, Aug. 23, 2013.

[63] NATIONAL ASSOCIATION OF SECRETARIES OF STATE, *supra.*

> Removing a bogus lien from the public registry can be a costly and time-consuming process. In most states, this action requires a court order. The legal expenses that are involved can run thousands of dollars, and the process can take months, or even years. Restoring damaged credit histories can take even longer.
>
> * * *
>
> Although they are not legally effective, victims may spend years battling their false claims, and some may not even realize they have been targeted until they attempt to conduct a property transaction, or open a line of credit.
>
> * * *
>
> Although the filing of a termination statement will indicate in the public record that the unauthorized financing statement is not valid, it does not remove the financing statement from the registry.[64]

A small minority of sovereign citizens have turned to violence. In the first decade of this century, "lone-offender sovereign citizen extremists" killed six law enforcement officers.[65] Terry Nichols, a co-conspirator in the bombing of the Murrah Federal Building in Oklahoma City counted himself a sovereign citizen.[66] As mentioned before, Montana Freeman Daniel Ernest Petersen was a sovereign citizen. The F.B.I. considers sovereign citizens a domestic terrorist movement or threat.[67]

IV. The U.S.S.G. and the Case at Bar

The particular circumstances of this case do not appear to be adequately addressed in the United States Sentencing Guidelines ("U.S.S.G." and/or "Guidelines").[68] The court, post-*Booker*

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[64] *Id*.

[65] F.B.I., COUNTERTERRORISM ANALYSIS SECTION, *Sovereign Citizens: A Growing Domestic Threat to Law Enforcement*, Sept. 2011, available at http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/september-2011/September-2011-leb.pdf (accessed Sept. 25, 2014).

[66] Goode, *supra*.

[67] F.B.I., COUNTERTERRORISM ANALYSIS SECTION, *Sovereign Citizens*, *supra*.

[68] *United States v. Booker*, 543 U.S. 220 (2005), rendered the Guidelines merely advisory. As a result, Guidelines "departures" are obsolete, as is the need for advance notice of departure from the applicable Guidelines sentencing range, as required under Federal Rule of Criminal

is not obligated to place the parties on advanced notice of its intention to depart from the applicable Guidelines sentencing range. Despite that, since the Court is considering a sentence significantly higher than the range probation has calculated, the Court chooses to share its thinking.

In particular, the Court is contemplating the applicability of a 2-level enhancement under Section 3C1.1 for obstructing of impeding the administration of justice because of the complaint Phillips served upon the undersigned district judge and prosecuting Assistant United States Attorney Stump on May 23, 2014, which also name several additional federal public officials (Attachment A). An additional 2-level enhancement could be applied, in that a complaint was served upon two officials. *See United States v. James*, 328 F.3d 953, 956-57 (7th Cir. 2003) (applying a 3C1.1 enhancement for harassing mailings and filings during trial). In the alternative, an upward variance from the advisory sentencing range may be the correct method of accounting for some or all of those circumstances. *See United States v. O'Georgia*, 569 F.3d 281, 291-94, 296 (6th Cir. 2009) (discussing both 3C1.1, 5K2 and § 3553(a)). That the lawsuit has never been formally filed or may not have been served on the other named defendants is of no moment. "What is more, the enhancement is authorized not only for successful obstruction but also for any attempt to obstruct or impede the administration of justice. U.S.S.G. § 3C1.1. A defendant who commits perjury at trial does not evade the enhancement just because the jurors see through the façade. Likewise with unsuccessful attempts to intimidate." *James*, 328 F.3d at 957.

Procedure 32(h). *United States v. Brown*, 732 F.3d 781, 785-86 (7th Cir. 2013). The departure provisions within the Guidelines may still influence the Court by way of analogy when assessing the Section 3553(a) sentencing factors. *Brown*, 732 F.3d at 736.

An upward variance, above the advisory Guidelines range, may also be warranted, considering the large number of liens involved. In considering the advisory sentencing range, Guidelines Section 2A6.1 does not group the multiple offenses under Section 3D1.2,[69] and Section 2A6.1(b)(2)(B) affords a two-level increase if the offense involved "more than two false liens." Ten to12 liens were involved in this case. *See United States v. Johnson*, 756 F.3d 532, 540 (7th Cir. 2014) (despite acquittal, if conduct was proved by a preponderance of the evidence, it may be considered for sentencing purposes).

Moreover, the Court identifies the following as potentially aggravating factors for consideration.

A. <u>The Status of the Victims</u>

While the Guidelines suggest a 6-level increase under 3A1.2(b) entitled "Official Victim," no distinction is made for the differing statuses of the victims. For example, Defendant filed liens against the Chief Judge of the United States District Court for the Northern District of Illinois, as well as its United States Attorney, the Assistant United States Attorney prosecuting the case, and the District Judge assigned to it. Additionally, two Magistrate Judges, the Clerk of the Court, four task force officers, and a special agent were targeted.

The Court believes targeting individuals of the statuses of Chief Judge, District Judge, United States Attorney, Magistrate Judge or Assistant United States Attorney is an aggravating factor because:

(1) The higher a person's status, the more visible they are and, therefore, the more likely they will be targeted, so there is a concomitant need to deter retaliations against them;

[69] Under U.S.S.G. § 3D1.2, a combined upward offense level relative to five or more units warrants a 5-level increase, consequently an upward departure was foreseen under Application Note 4, when the Guidelines were mandatory.

(2) Because they have discretionary authority, they may be more likely targets as people who can be subject to intimidation so there is a concomitant need to deter retaliation against them; and

(3) Retaliation against them is more likely to disrupt the government functions in which they operate so there is a concomitant need to deter retaliations against them.

The Guidelines consider a victim's status, in that retaliating against individuals with exceptionally high authority (such as the President or Vice President) may warrant an upward departure under the Guidelines because of the potential disruption of governmental functions. In the instant case, Phillips' misconduct before the undersigned's predecessors resulted in her *pro se* status being revoked. Although the Court does *not* consider the following a disruption that can affect Cherron Phillips' sentence in this case, it is worth noting that, as a result of her misconduct in her brother's federal drug case in this district, the Executive Committee that administers policy in the Northern District of Illinois went to the extraordinary step of entering an order limiting Cherron Phillips' access to the courthouse and restricting her filings (*see* Attachment B). Thus, Phillips was aware her conduct could have serious consequences.

B. <u>Acquitted Conduct</u>

Although Defendant was acquitted on counts 6 and 9 involving task force officers Thompson and Sanchez, respectively, the Court concludes those counts were proven by a preponderance of the evidence. The jury sent a question to the Court, during its deliberations, reading as follows:

> Do the federal task force officers that were deputies, where no longer deputies when the lien's were filed, are they considered federal officers, after their federal term is over?

[sic] (Doc. 179). Consequently, there are 12 rather than 10 victims.

It is clear the jury's decision to acquit Phillips on counts 6 and 9 was based upon the erroneous belief that a conviction regarding task force officers Thompson and Sanchez could not occur unless they were federal officers at the time the liens were filed, which they were not. The jury instruction did not overtly cover this point so the jury's concern is understood.

C. Collateral Damage

In all, Phillips filed 12 bogus liens with the Cook County Recorder of Deeds, each seeking $100 billion to be paid to her brother. Those liens will remain impressed forever. When one of the victims attempts to sell their real estate, they are going to have to satisfy a buyer along with their title company that the liens ought to be held for naught. Eventually, they will prevail, as the liens are impotent, but that will not occur without some legal handiwork and expense and may necessitate a suit to quiet title.

Because Defendant Phillips twice refused to cooperate with the Probation Office in the preparation of the presentence report, the Court cannot at this juncture identify any mitigating sentencing factors or circumstances except that Defendant has a minor child. Phillips' attempted *mea culpa* to five of the victims (the four judges and the clerk) by way of letters titled "Forgive Me" and dated February 21, 2013, rings hollow in light of her subsequently serving a false lawsuit against the undersigned, and the Assistant United States Attorney assigned to this case.

V. Conclusion

The statute at issue in this case, 18 U.S.C. § 1521, was enacted in response to a spate of false liens filed against government officials. Many of these liens were filed by followers of the Sovereign Citizen movement, who hold a complicated set of beliefs about the illegitimacy of the federal government, and use the filing of liens to retaliate or injure those who deny the rights they believe they are due as sovereign citizens. The Court does not attribute the history of

transgressions leading up to the enactment of Section 1521, or the history of actions of sovereign citizens, to Ms. Phillips. Instead, the Court uses this information to gain appropriate perspective on the sentencing task of properly weighing all of the factors set forth in 18 U.S.C. § 3553(a), which include, in particular, the nature and circumstances of the offense, promoting respect for the law, punishment and deterrence. *See* 18 U.S.C. § 3553(a)(2)(A), (B).

While the undersigned never finds any sentencing to be "easy," it is "easier" to sentence a defendant charged with a crime the Court understands. For example, economic crimes may be based upon need or greed. Drug offenses may be motivated by greed or addictions. Now that the Court has concluded its research and gained some perspective, Cherron Phillips' crime of retaliating against federal officials by filing false liens appears to have been based upon misguided beliefs and the underlying tortured logic, as related above.

This memorandum, the comments reflecting sentencing issues under consideration, and the attached chart reflecting possible Guidelines calculations[70] (Attachment C) are offered in advance of the sentencing hearing with the aforementioned sentencing obligations and concerns in mind, and in an effort to ensure a thorough and efficient sentencing hearing.

IT IS SO ORDERED.

DATED: October 2, 2014

s/ *Michael J. Reagan*
MICHAEL J. REAGAN
UNITED STATES DISTRICT JUDGE

[70] The term of supervised release and the fine are not addressed, except to note here that the mandatory supervision period will be consistent with U.S.S.G. § 5D1.2(a)(2), and the fine will be prescribed consistent with 18 U.S.C. § 3571(b) and U.S.S.G. § 5E1.2(c)(3).

ATTACHMENT

A

PLAINTIFF/Applicant
River Tali:Bey Authorized Agent
Res CHERRON MARIE PHILLIPS
c/o P.O. Box 802625
Chicago Illinois 60680
312-857-5456

United States District Court
For the District of Columbia

CHERRON MARIE PHILLIPS By:
River-Tali:Bey Authorized Agent
Plaintiff

Against
James B. Comey
Eric Holder
Michael J. Reagan
Milton I Shadur
Stephen Wiggington
Nathan D. Stump
Joshua Rongitsch
A. Zavala
Robert Simmons
Jessie King
Defendants

(address and contact information for Defendants provided herein)

Case No._____

Complaint: LCrR 57.17
violation of United States Code

Complaint

Plaintiff CHERRON MARIE PHILLIPS, herein after PHILLIPS approach the court with duly affirmed Complaint as executed before the clerk who administered oath for verification of all statements under penalty of perjury. Plaintiff apply the courts judicial power for review of executive acts complained of herein and herewith which are known to be violations of 62 Stat. 847 codified as United States Code in particular Title 18 § 4001(a); "No citizen shall be imprisoned or ***otherwise detained*** by the United States except pursuant to an Act of Congress."

Plaintiff complain and show by documentary evidence that the Defendants conspire to circumvent this apparent act of Congress, do so intentionally, for private gain and benefit at the expense of Plaintiff and the United States. Plaintiff applies to the Court under Federal Rules of Civil Procedure under LCvR 1.1 and LCrR 1.1 cognizable at law and in equity pursuant to Rule 81 Civil Procedure. Whereby relief demanded included monetary damage, processing criminal complaints, freezing of assets, protective orders and others.

Plaintiff is detained under federal custody as what is known as conditional release order without authority and in violation of civil rights promised by the United States, and is under threat of incarceration and involuntary servitude, which is the cause of this complaint.

Jurisdiction

1. This Court has jurisdiction pursuant to Federal question arising under Amendments to the Constitution of the United States specifically sections I, IV, V, VI, VIII and XIII as well as other various Acts of the United States, Congress and various statutes.
2. This Courts jurisdiction is invoked pursuant to:
   (a) Article III of the United States Constitution Judicial Power as assigned by Congress: Cases in law and Equity found by reference to District of Columbia, D.C 11§ 101, Public law 91-358, Title I and III Act of July 29, 1970 84 Stat 475;
   (b) Jurisdiction of this Court is invoked by Plaintiff accepting the published offer for use of the Courts powers returning the offer under compliant for execution on the United States promised performance.
   (c) Personal jurisdiction over these Defendants are based upon relationships, conduct over those domiciled in or maintaining a persistent course of conduct being funded for services rendered in the District and/or Services outside the District. This court is the only Federal District Court cited in the current published federal codes as holding judicial power, cited in the

United States Constitution. Public law 91-358, Title 1 § 132(a), July 29, 1970, 84 Stat. 549, D.C. Code 13 § 423, with evidence in control of D.C. Code 14 § 101.

(d) That, any agents, acting without the explicit written words empowering the United States, deny the United States its ability, its absolute duty, to fulfill its obligations, that is to keep its promises as stated by its written words, beginning with its Charter, the United States Constitution.

(e) That, all agents of the United States, being flesh and blood, natural men, pledge their oath, the bond, a security, to act exclusively within the written, known, and published authorities of the United States when they appear to operate under its color;

(f) That, there is no defense or limitation for acts outside the expressed statements in writing issued by the United States for execution by its agents, bonded offer, for open, notorious, general, reliance and execution.

(g) All written statements issued by the United States, by and through its agents/obligors to perform thereunder are now accepted for execution by Plaintiff as part of this complaint contract.

(h) Obligor is herein defined as United States District Court, District of Columbia, its agents, assigns, employees and the Defendants named herein.

Equity

3. Obligee River Tali: Bey has come to learn she has been a Contributing Beneficiary to the United States federal corporation by its constructed entity, Res entitled: CHERRON MARIE PHILLIPS, an artificial person, utilities, which carry with it certain identifiers and agreements with the commercial for-profit federal corporations.

The United States promised obligations and duties for certified equity which are guaranteed to be performed by all United States agents affecting or attaching me, your Applicant

River Tali: Bey through instrumentalities. These instrumentalities being the legal entities called and identified as CHERRON MARIE PHILLIPS, operating as trustee with fiduciary obligation and responsibilities to the beneficiaries of the respective trust.

This construction was created for specific purpose, which benefit its constructors. It also provides protection from lawless acts of its constructor's agents and instrumentalities upon CHERRON MARIE PHILLIPS as well as her labor, private equity which have been taken for value/ as value, a fungible commodity in support and use by the United States federal corporation in its operations by its agents, through instrumentalities without full informed consent under non-disclosed terms.

Parties

4. Plaintiff

Plaintiff CHERRON MARIE PHILIPS is an artificial entity an organization believed to be some sort of trust resulting from act of the United States and it related co-venture parties with a domicile in the District operating under identifier 320-76-2707/112-70534517, a utility, which Authorized Agent, Creditor and Beneficiary, this Applicant (under Habeas Corpus), River-Tali:Bey a flesh and blood natural woman and union state Citizen of Illinois, is wrongly being held as surety to and for a cesti que trust CHERRON MARIE PHILLIPS, resulting from certain acts and omissions.

5. Defendants

FEDERAL BUREAU OF INVESTIGATIONS, hereinafter FBI is the artificial person believed to be doing business as a private nongovernmental corporation. The FBI is believed to be operating a business in the state of Illinois without a business license. The registered agent is unknown and Plaintiff believes the agent does not possess a license or such license or registration is available for inspection by Plaintiff. Therefore service of process of the complaint shall be effectuated through James B. Comey Director of the FBI, identified as Defendant 2.

Defendant 1. Eric Holder
d/b/a United States Attorney General
UNITED STATES DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue N.W.
Washington D.C. 20530

Defendant 2. James B Comey
d/b/a Director FEDERAL BUREAU OF INVESTIGATIONS
935 Pennsylvania Avenue
Washington DC 20530

Defendant 3. Stephen Wigginton
d/b/a United States District Attorney
9 Executive Drive
Fairview Heights Illinois 62208
Attn: Clerk of the Court

Defendant 4. Nathan D. Stump
d/b/a Assistant United States Attorney
9 Executive Drive
Fairview Heights Illinois 62208
Attn: Clerk of the Court

Defendant 5. Joshua Rongitsch
d/b/a Special Agent
2111 West Roosevelt Road
Chicago Illinois 60608

Defendant 6. A. Zavala
d/b/a Special Agent
2111 West Roosevelt Road
Chicago Illinois 60608

Defendant 7. Jessie King
d/b/a Special Agent
2111 West Roosevelt Road
Chicago Illinois 60608

Defendant 8. Milton I Shadur
d/b/a United States District Court Judge Northern District Illinois
219 S. Dearborn
Chicago IL 60604
Attn: Clerk of Court

Defendant 9. Michael J. Reagan
d/b/a United States District Court Judge Central District Illinois
750 Missouri Avenue

East St. Louis IL 62201
Attn: Clerk of the Court

Defendants jointly and severally, have acted under color of authority, using the legal power to process to coerce by threat or use of law. Defendants are sued in their private capacity while acting under color of United States Authority. The United States is being offered to validate the acts of its employees herein via Defendants ability to gain representation by the United States. Presumption of criminal conduct will be in public forum when the United States fails to represent its agents, and Plaintiff will at that point request prosecutorial assistance from the United States.

PHILLIPS, hereby contract with this court because it is the only United States District Court identified in statements as holding full Article III judicial power as duly assigned by Congress in its Article I power with proper venue extended to it by virtue of its exclusive jurisdiction ceded to the United States by the separate States during the act of creating the United State Constitution.

This civil action is made on the complaint of illegal acts, violation of rights guaranteed by the United States. Said acts herein being perpetuated by those claiming to be employed by the United States as civil or appointed officials. All without ever proving jurisdiction, even when legitimately challenged to do so. Whereby Plaintiff seeks to have this court Judicial Power applied as promised, on her behalf, to protect her rights, liberty and property, including identity. LCrR57.17

Complaint

6. Defendants named herein, jointly and severely executed openly, generally and notorious acts under color of authority of the Government of the United States with the intent to cause harm for their own private gain and benefit.

7. Defendant claim policies as authorization for their acts and actions, which are in direct conflict and contradiction with policies and statements of law by their employer, the United States. When this fact is brought to their attention, these Defendants refuse to validate, clarify, or otherwise correct their acts, actions and omissions.

8. These Defendants individually, jointly or severally, have failed to give deference, loyalty, or lawful compliance to known orders, statements, pronouncement et. al by the Supreme Court of the United States of America.

9. As a result of the deprivation of these promised benefits, Plaintiff is being denied her liberty, and the legal protections owed by these Defendants being the proximate cause of their illegal detention, emotional trauma and spiritual distress. The present suffering of your Applicant has caused her entire family to suffer the same maladies.

10. Plaintiff and her authorized agent is detained in federal custody through conditional release against her will for private debt collection, a known violation of the law, a trespass upon Plaintiff/Authorized Agent by these Defendants who operate for profit, holding slaves Plaintiff/Authorized Agent, when Defendants conspire to deny relief or remedy, knowing such relief is available to Plaintiff/Authorized Agent, operating under codes known to be void and vacant of any Federal Regulation being in violation of the law and statute.

11. Plaintiff claim the subject debt owed shown herein to be a construct resulting from a misuse, of the law through administration of an unlawful legal process rendering the debt a fraud.

12. Incorporated herein are complaints of violations of the United States Codes by those claiming to be officials acting under color of authority.

WHEREFORE: Plaintiff demand this court order Defendants evidence there authority to act to wit:

(a)

(i) Official copy of certificate of appointment to office with verification by apposite body;

(ii) Official Oath of Office, where such oath is in written form and signed by Plaintiff all;

(iii) Signed Loyalty statement

(iv) Copy of most recent ethics statement

(v) Copy of signed employment agreement

(vi) Risk management office name and address

(vii) Name and address of bonding company

(viii) Officers bond numbers, SS-5 and or W-9 number

(b) Each Defendant is ordered to notify their Employer of these pending claims on their official bonds

(c) Each Defendant is ordered to freeze any and all selling, transferring, or the like of assets pending in completion of this action, or in the alternative seek court approval prior to the sell or transfer of said assets.

(d) Each Defendant is ordered to review all their acts and actions in relation to your Plaintiff/Auth. Agent in order to provide specific authorities supporting each and every challenged act, action or omissions in order to preclude delay in the interest of justice regarding this contract.

(e) Damages be ordered in the sum of amount of One thousand seven hundred fifty dollars ($1750.00) per day against Defendant for each day your Plaintiff was detained in federal custody. The actual damage amount to be determined by a jury in the event Defendants are not able to produce lawful authority supporting their acts, actions or omissions.

(f) Defendants ordered to release Plaintiff.

13. Plaintiff incorporate herein those issues addressed in paragraphs 1-12 as if restated in its entirety. Defendants individually, jointly and severally did conspire to deprive Plaintiff and her Authorized Agent of relevant material facts. They refused to provide Plaintiff with the legal authorities these Defendants relied upon establishing the basis for their acts, actions and omissions regarding those issued in 1-12. Had the Defendants been operating under the authority of the United States, their proof of jurisdiction would have been clearly disclosed and incorporated into and made part of the record.

14. Evidence showing that the United States Code used to prosecute Title 18 offenses were not assigned by Congress assembled to the UNITED STATES DISTRICT COURT under Article I or Article III powers as required by the Constitution of the United States. These courts are cited as having powers over certain matters with no authority from the law making body, Congress to attach anyone other than Federal Officers or those charged with RICO crimes. None of these conditions apply nor could ever apply, to Plaintiff/Authorized Agent since Plaintiff/Authorized Agent are not Federal Officers nor was she charged with RICO crimes.

15. The charges against your Plaintiff do not evidence the requisite citation in the Federal Register and are incomplete and invalid and of no force or effect against the Authorized agent River Tali:Bey or Res: CHERRON MARIE PHILLIPS; the cesti que trust. Without and implementing regulation or published citation in the Federal Register, the United State Code failed to evidence compliance with the requirements of the Federal Register Act. Therefore, since there is no associated delegation of authority flowing from Congress or the Constitution of the United States, Title 18 and others are illegitimate, of no force or effect, a nullity at law.

16. The Plaintiff/Authorized agent demands the validity of the purported statute because her liberty has been compromised. Congress' clear intent is that the evidence of its law be in the following form:

> **"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."** 61 Stat 634 § 101
>
> **" [ ]...The United States Statutes at Large shall be legal evidence of laws concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several State, and Territories and insular possession of the United States.** 61 Stat 636 §112

17. Charged conduct, Title 18 USC 1521 does not meet this requirement. The "forms" of legislation include the title and enacting clause, which are both essential aspects of law. It is necessary that every law should *show on its face* the authority by which it is adopted and promulgated and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as law.

18. Defendants pursue this case without authority in that there is no evidence on the record showing that the United States Attorney's have authority to act outside of their limited authority in proceedings in which the United States is concerned cited at 80 Stat 618 § 547 codified as [28 USC 547]. The acts complained of herein were taken and executed under complaint by the UNITED STATES OF AMERICA, a different legal entity than the United States.

19. There is no evidence on the record showing the UNITED STATES DEPARTMENT OF JUSTICE may act outside the confines of the seat of Government cited at 80 Stat 611 §501 and 61 Stat 643§ 72 codified as [28 USC 501; 4 USC 72]. The record is clear that the UNITED STATES DEPARTMET OF JUSTICE fails to possess the authority to act outside the district.

20. This being further evidence of the Defendants conspiring under the color of office to perpetrate fraud against Plaintiff and the United States.

WHEREFORE: Plaintiff demand judgment on orders against these defendants, jointly and severally, be issued by the Court, or in the alternative provide Government records in the custody of the Archivist of the United States to be presented to this court for inspection to wit:

(i) the legislative enacting authority for the charge 18 USC 1521

(ii) the enrolled acts of congress along with corresponding Federal Regulation providing the delegation of authority along with:

(a) Journal of the House, First Session, 1947;

(b) Journal of the Senate of the United States, 80th Congress, First Session, 1947;

(c) Journal of the House, 80th Congress, Second Session, June 18, 1948;

(d) Journal of the Senate, 80th Congress, Second Session, January 6, 1948;

(e) 93rd Congressional Record, 80th Congress, First Session, 1947;

(f) 94th Congressional Record, 80th Congress, Second Session, 1948;

(g) House Report No. 304, 80th Congress, First Session April 24, 1947;

(h) House Document No. 769, 79th Congress, Second Session, Constitution, Jefferson's Manual and Rules of the House of Representatives of the United States, 80th Congress, Government Printing Office 1947;

(i) Senate Report No. 1620, 80th Congress, Second Session, Hinds Precedents of the House of Representatives of the United States, Volume IV and V, Government Printing Office 1907;

(j) Senate Report No. 1620, 80th Congress, Second Session, June 14, 1948;

(k) House Concurrent Resolution 218 and 219, 80th Congress, Second Session June 20, 1948, 62 Stat. 1435-1436;

(l) Certified Copy of H.R. 3190 passed by the House of Representatives on May 12th, 1947 and certified as truly enrolled on June 18th, 1948;

(m) Certified Copy of H.R. 3190 as signed into Public Law 80-772 and received at Department of State on June 25th, 1948.

Upon a thorough review of the complaints contained herein, this Honorable court is respectfully asked to issue this Complaint and the Order(s) enumerated above in addition to any other Orders it may deem appropriate as a matter of law where Plaintiff now formally call for performance due.

21. Those relying on the false identification knowingly, without lawful authority, certified an identification document, the INDICTMENT, transfer the same, knowing that such was a product of fraud, violation of examination of witness against me in conspiracy, continue to this day to defraud the United States by allowing securities issued against Me, River-Tali:Bey and the Res CHERRON MARIE PHILLIPS, to be traded on public exchanges. Defendants and other unnamed at the time, conspired to construct false identity, a nul tiel entity, to attach me, the woman, as property under fraudulent claims.

22. Defendants, at all times relevant hereto, paid to perform under all the laws of the United States, provide all the benefits and legal protections to all those they affect in the performance of their claimed official duties under color of law, which they have failed to do with intent to harm for private gain.

23. Case number 12CR872, in the U.S. District Court Northern District of Illinois is a counterfeit security from the beginning. The debt being collected by detention under federal custody under order is incompetent legally and commercially to hold anyone to service.

24. Detention and sentence to conditional release under the Bail Reform Act was obtained by illegal and unconstitutional application in violation of the Fifth and Six Amendment. This new charge not contained in the indictment, which must be answered, holding and making findings for a sentence to conditional release was illegal. The statement of reasons by the Defendants alleging

the Plaintiff /Authorized Agent to be a "Flight risk" or a "Danger to the community" does not identify the original charges or findings by the respective jurors whereby showing the charge and sentence to conditional release fraudulent.

25. The UNITED STATES OF AMERICA is not the United States, nor the UNITED STATES as authorized to apply the United States Code. Not being a government, or government agency, the UNITED STATES OF AMERICA is a private party making some sort of private claim under color of official right, a fraudulent claim absent proof of contract or obligation being known to all parties, which is not of record.

26. The code used to charge these case, United States Code limits parties prosecuting and their exclusive representatives under 28 USC 547, Chap 35, DEPARTMENT OF JUSTICE, "Except as otherwise provided by law, each United States Attorney, who within his district shall 1.) Prosecute for all offenses against the United States; 2.) Prosecute or defend for the Government, all civil actions, acts or proceedings, in which the United States is concerned; and, Section 501.

27. The Department of Justice is an executive department of the United States as the seat of Government, and Title 4 USC 72 requires an Act of Congress authorizing all executive agents attached at the seat of Government to have Congressional authority to act outside the district, which is not of record.

28. Whereby Defendants Eric Holder, James B Comey, Stephen Wigginton, Nathan D. Stump, Joshua Rongitsch, A Zavala, Jessie King, Milton I Shadur, Michael J. Reagan individually pledged their personal bond to public service, the promise to provide the

powers and limits thereon stated by the United States, its written obligations to those upon who it affects.

Mandatory Judicial Notice

Plaintiff ask this court to take Mandatory Judicial Notice of the authenticated and publish Congressional law under United States authorities noted herein below to FEDERAL RULES OF EVIDENCE 201(d), (e), (f), 901;

(a) SUPREME COURT RECORDS AND BRIEFS www.loc.gov

(b) NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
700 PENNSYLVANIA AVE NW
WASHINGTON DC 20408
(i) 61 STAT 634 §101;
(ii) 61 STAT 636 §112;
(iii) 80 STAT 611§ 501;
(iv) 80 STAT 618§ 547
(v) 85 STAT 347 § 4001(a)
(c) NARA The Code of Federal Regulations

WHEREFORE: Plaintiff demand the relief, remedies and damages states above as a matter of right inclusive as to all matters under right to rely on the United States published promises required to be enforced, executed by this court under its offered and now accepted powers completing Contributing Beneficiaries under equity herein noted for account, and accounting and

Plaintiff demand attached Order for Release be executed within (3) days as a matter of right under Habeas Corpus obligations by the United States being due.

VERIFICATION

I River-Tali:Bey declare under penalty of perjury under the laws of the United States of America that she has first hand knowledge hereto and to the best of her knowledge and belief all matters are true and correct. Executed on May 23, 2014.

Respectfully Submitted

By: _____
River Tali-Bey Authorized Agent

Res: CHERRON M. PHILLIPS
c/o P.O. Box 802625
Chicago Illinois 60680

ACKNOWLEDGMENT

Illinois state)
Cook County)

Signed and attested to before me this 23rd day of May, 2014

T. Hoye
Notary Public
Seal

T. HOYE
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
January 19, 2015

May 23rd, 2014

T. HOYE
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
January 19, 2015

ATTACHMENT

B

TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6,1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:11-cv-00776
Internal Use Only

In Re: Cherron M. Phillips
Assigned to: Executive Committee
Cause: Civil Miscellaneous Case

Date Filed: 02/04/2011
Date Terminated: 02/04/2011
Jury Demand: None
Nature of Suit: 999 Miscellaneous Cases
Jurisdiction: Federal Question

In Re

Cherron M. Phillips represented by **Cherron M. Phillips**
PRO SE

Plaintiff

United States of America represented by **United States of America**
PRO SE

Date Filed	#	Docket Text
02/04/2011	1	EXECUTIVE COMMITTEE ORDER: On several occasions, Cherron M. Phillips, who is not a lawyer licensed to practice in this Court or any court, has spoken openly during court proceedings in the E.M. Dirksen U.S. Courthouse and has caused disturbances during court proceedings. Additionally, Cherron M. Phillips has filed numerous documents in case number 06 CR 778, USA v. Devon Phillips, to which she is not a party and which is pending in the Northern District of Illinois in the E.M. Dirksen U.S. Courthouse in Chicago, Illinois Cherron M. Phillips has attempted to approach the podium during a set status hearing in 06 CR 778. Ms. Phillips was told at that time she could not approach the podium at which time she caused a disturbance that resulted in her being told to leave the courtroom. Cherron M. Phillips has continually shown a pattern of behavior to delay and disrupt the administration of justice. Based upon Cherron M. Phillips's conduct in the E.M. Dirksen U.S. Courthouse: IT IS HEREBY ORDERED that Cherron M. Phillips will be permitted to enter the E.M. Dirksen United States Courthouse in Chicago, Illinois, or any other U.S. Courthouse in the Northern District of Illinois, only when she is required by a judge of this court or another United States Court to be physically present in the Courthouse for proceedings scheduled by a Court, and then she may enter the Courthouse no earlier than fifteen (15) minutes before the scheduled time of the proceedings. Upon entering the Courthouse, she first must report to the officer at the lobby desk by identifying herself. She shall then identify the Court proceeding she is required to attend naming the judge presiding at the proceeding before she will be allowed through the security check point in the Courthouse lobby.

She is to be accompanied in the Courthouse to and from the proceedings by a Deputy United States Marshal or another representative of the United States Marshal, and Ms. Phillips must leave the Courthouse no later than five (5) minutes after her scheduled proceedings in Court are completed. IT IS FURTHER ORDERED that Ms. Phillips may not enter the E.M. Dirksen U.S. Courthouse other than as stated above until further order of this Executive Committee or another Court conducting proceedings in this Courthouse. IT IS FURTHER ORDERED BY THE EXECUTIVE COMMITTEE in its capacity as the supervisor of the assignment of cases that: 1) Cherron M. Phillips, or anyone acting on her behalf, is enjoined from filing documents in 06 CR 778, USA v. Phillips, or any other case in which she is not a party and is enjoined from filing any new civil action or proceeding in the United States District Court for the Northern District of Illinois, without first obtaining leave by way of the following procedures: a) Any materials Ms. Phillips, or anyone acting on her behalf, wishes to submit for filing shall be delivered to Room 2050, Office of the Clerk at the Courthouse in Chicago. Only the Clerk or deputies specifically designated by the Clerk may accept such documents. b) Where the document submitted is a complaint, it shall be accompanied by a motion captioned "Motion Seeking Leave to File Pursuant to Order of Executive Committee." That motion shall, in addition to requesting leave to file the complaint, include a sworn statement certifying that the claims raised by or on behalf of Ms. Phillips in the complaint are new claims never before raised in any federal court. c) Whenever Ms. Phillips submits a document for filing, the Clerk or designated deputy shall accept the papers, stamp them received, docket them, and forward them to the Executive Committee. 2) The Executive Committee will examine any complaints submitted by or on behalf of Ms. Phillips to determine whether they should be filed. 3) If Ms. Phillips seeks leave to proceed in forma pauperis, the Committee will also determine if such leave should be granted. The Committee will deny leave to file any complaints if they are legally frivolous or are merely duplicative of matters already litigated. The Committee may deny leave to file any complaints not filed in conformity with this order. 4) If the Executive Committee enters an order denying leave to file the materials, the Clerk shall retain the order in a miscellaneous file with the title "In the matter of Cherron M. Phillips" and cause a copy of the order to be mailed to Ms. Phillips. The documents submitted shall be returned. 5) If the Executive Committee enters an order granting leave to file the materials, the Clerk will cause the materials to be stamped filed as of the date received and shall cause the case to be assigned to a judge in accordance with the rules. The Clerk shall also cause a copy of the order to be mailed to Ms. Phillips. 6) Ms. Phillips's failure to comply with this order may, within the discretion of the Executive Committee, result in her being held in contempt of court and punished accordingly. 7) Nothing in this order shall be construed a) to affect Ms. Phillips's ability to defend herself in any criminal action, b) to deny Ms. Phillips access to the federal courts through the filing of a petition for a writ of habeas corpus or other extraordinary writ, or c) to deny Ms. Phillips access to the United States Court of Appeals or the United States Supreme Court. IT IS FURTHER ORDERED that Cherron

		M. Phillips is authorized to submit to this court, no earlier than six months from the date of this order, a motion to modify or rescind this order, and IT IS FURTHER ORDERED that the Clerk shall cause to be created and maintained a miscellaneous file with the title "In the matter of Cherron M. Phillips " and case number 11 C 0776. The miscellaneous file shall serve as the repository of this order and any order or minute order entered pursuant to this order. The Clerk will also maintain a miscellaneous docket associated with the file. All orders retained in the file will be entered on that docket following standard docketing procedures. A brief entry will be made on the docket indicating the receipt of any materials from Ms. Phillips. Signed by the Executive Committee on 2/4/2011.(lcw,) (Entered: 02/09/2011)
02/04/2011		(Court only) ***Civil Case Terminated. (lcw,) (Entered: 02/09/2011)
02/18/2011	2	RECEIVED Summons To Appear by Cherron M. Phillips. (Forwarded to the Executive Committee) (lcw,) (Entered: 02/25/2011)
09/06/2011	3	RECEIVED Writ of Quo Waranto and one copy by Cherron M. Phillips. (Forwarded to the Executive Committee) (lcw,) (Entered: 09/07/2011)
09/22/2011	4	EXECUTIVE COMMITTEE ORDER: IT APPEARING THAT on February 4, 2011, an Executive Committee order was entered, limiting filings by Ms. Cherron M. Phillips and authorizing her to submit, no earlier than six months from the date of the order, a motion to modify or rescind the order, andIT FURTHER APPEARING THAT on September 6, 2011, Ms. Phillips submitted a document for filing, andIT FURTHER APPEARING THAT at its meeting on September 14, 2011, the Executive Committee considered and denied Ms. Phillips leave to file her document submitted on September 6, 2011, now therefore,IT IS HEREBY ORDERED THAT Ms. Cherron M. Phillips is denied leave to file her document submitted on September 6, 2011, 2 , 3 and IT IS FURTHER ORDERED THAT the order entered on February 4, 2011 is renewed, and IT IS FURTHER ORDERED THAT Cherron M. Phillips is authorized to submit to this court, no earlier than six months from the date of this order, a motion to modify or rescind the order of February 4, 2011, and IT IS FURTHER ORDERED THAT because the Court has no return address for Ms. Phillips, any submissions received prior to six months from the date of this order shall be destroyed. Signed by the Executive Committee on 9/22/2011.(lcw,) (Entered: 09/26/2011)
09/30/2011	5	EXECUTIVE COMMITTEE ORDER: IT APPEARING THAT a monetary judgement was entered on January 26, 2011 against AMs. Cherron M. Phillips aka Cherron El@ in Circuit Court of Cook County Case No. 09 M1 157124 for the amount of $7,069.44 exclusive of costs and interest. IT APPEARING THAT on September 28, 2011, restricted filer Cherron M. Phillips (aka River Tali El Bey), in a frivolous attempt to interfere with the collection of that judgment debt against her, attempted to file a Notice of Removal of Circuit Court of Cook County Case No. 09 M1 157124 in this federal court in violation of the Executive Committee Order dated September 22, 2011. IT IS HEREBY ORDERED that restricted filer Cherron M. Phillips is denied leave to file the Notice of

		Removal, and any attempt to file the Notice of Removal is dismissed. IT IS FURTHER ORDERED that no removal of Circuit Court of Cook County Case No. 09 M1 157124 has taken place to this federal court and the Circuit Court of Cook County has at all times maintained jurisdiction of its Case No. 09 M1 157124. IT IS FURTHER ORDERED that the Clerk of Court is requested to retain the documents submitted by restricted filer Cherron M. Phillips dated September 28, 2011 which violated the Executive Committee Order dated September 22, 2011 for further consideration by the Executive Committee. Signed by the Executive Committee on 9/30/2011.(lcw,) (Entered: 10/07/2011)
11/23/2011	6	USCA Acknowledgement of Short Record, USCA No., 11-3644 re Cherron M. Phillips, aka River Tali El Bey. Pro sse filed directly with USCA. (vmj,) (Entered: 11/29/2011)
11/23/2011	7	CIRCUIT RUle 3(b) Notice from USCA, USCA No-3644. (vmj,) (Entered: 11/29/2011)
01/11/2012	8	MANDATE of USCA dated 12/11/2012; USCA No. 11-3644; This cause, docketed on November 23, 2011 is Dismissed for failure to timely pay the required docketing fee, pursuant to Circuit Rule 3(b) (ma,) (Entered: 01/11/2012)
03/20/2012	9	RECEIVED WRIT of Replevin Motion to Dismiss Pursuant to FR Cr P. 12(b)6, 41, 18 USC 112, 242, 1028 and 42 USC 1983. (Exhibits) ; Notice by Cherron Phillips . (ao) (Forwarded to the Executive Committee) Modified on 3/29/2012 (lcw,) (Entered: 03/21/2012)
04/10/2012	10	EXECUTIVE COMMITTEE ORDER: IT APPEARING THAT on February 4, 2011, an Executive Committee order was entered, limiting filings by Ms. Cherron M. Phillips and authorizing her to submit, no earlier than six months from the date of the order, a motion to modify or rescind the order, and IT FURTHER APPEARING THAT on March 20, 2012, Ms. Phillips submitted a document for filing, and IT FURTHER APPEARING THAT at its meeting on April 5, 2012, the Executive Committee considered and denied Ms. Phillips leave to file her document submitted on March 20, 2012, now therefore, IT IS HEREBY ORDERED THAT Ms. Cherron M. Phillips is denied leave to file her document submitted on March 20, 2012, and IT IS FURTHER ORDERED THAT the order entered on February 4, 2011 is renewed, and IT IS FURTHER ORDERED THAT Cherron M. Phillips is authorized to submit to this court, no earlier than six months from the date of this order, a motion to modify or rescind the order of February 4, 2011, and IT IS FURTHER ORDERED THAT should Ms. Phillips wish to have the submitted document(s) returned to her, she shall provide, within 30 days from the date of this order, an envelope with prepaid postage for the return of the document(s), and IT IS FURTHER ORDERED THAT because the Court has no return address for Ms. Phillips, any submissions received prior to six months from the date of this order shall be destroyed. Signed by the Executive Committee on 4/10/2012.(lcw,) (Entered: 04/13/2012)
08/01/2013	11	RECEIVED MOTION by In Re Cherron M. Phillips to rescind Executive

		Committee Order (Attachment). (jmp,) Modified on 3/27/2014 (lcw,). (Entered: 08/05/2013)
08/01/2013		(Court only) ***Motions terminated (lcw,) (Entered: 03/27/2014)
03/25/2014	12	RECEIVED Complaint, civil cover sheet, and pro se appearance form by Cherron M. Phillips. (Forwarded to the Executive Committee)(lcw,) (Entered: 03/27/2014)
04/15/2014	13	EXECUTIVE COMMITTEE ORDER IT APPEARING THAT on February 4, 2011, an Executive Committee order was entered, limiting filings by Ms. Cherron M. Phillips and authorizing her to submit, no earlier than six months from the date of the order, a motion to modify or rescind the order, and IT APPEARING THAT the order of February 4, 2011 further directed that that Cherron M. Phillips will be permitted to enter the E.M. Dirksen United States Courthouse in Chicago, Illinois, or any other U.S. Courthouse in the Northern District of Illinois, only when she is required by a judge of this court or another United States Court to be physically present in the Courthouse for proceedings scheduled by a Court, and then she may enter the Courthouse no earlier than fifteen (15) minutes before the scheduled time of the proceedings. Upon entering the Courthouse, she first must report to the officer at the lobby desk by identifying herself. She shall then identify the Court proceeding she is required to attend naming the judge presiding at the proceeding before she will be allowed through the security check point in the Courthouse lobby. She is to be accompanied in the Courthouse to and from the proceedings by a Deputy United States Marshal or another representative of the United States Marshal, and Ms. Phillips must leave the Courthouse no later than five (5) minutes after her scheduled proceedings in Court are completed. IT FURTHER APPEARING THAT on August 1, 2013, Ms. Phillips submitted a motion to rescind the order entered on February 4, 2011, andIT FURTHER APPEARING THAT on March 25, 2014, Ms. Phillips submitted a document for filing, and IT FURTHER APPEARING THAT at its meeting on April 3, 2014, the Executive Committee considered and denied Ms. Phillips motion submitted on August 1, 2013 and denied Ms. Phillips leave to file her document submitted on March 25, 2014, now therefore, IT IS HEREBY ORDERED THAT Ms. Cherron M. Phillips' motion submitted on August 1, 2013 is denied and Ms. Phillips is denied leave to file her document submitted on March 25, 2014, and IT IS FURTHER ORDERED THAT the order entered on February 4, 2011 is renewed, andIT IS FURTHER ORDERED THAT Cherron M. Phillips is authorized to submit to this court, no earlier than six months from the date of this order, a motion to modify or rescind the order entered on February 4, 2011, and IT IS FURTHER ORDERED THAT should Ms. Phillips wish to have the submitted document(s) returned to her, she shall provide, within 30 days from the date of this order, an envelope with prepaid postage for the return of the document(s), and IT IS FURTHER ORDERED THAT the Clerk shall cause a copy of this order to be mailed to Ms. Cherron Phillips at P.O. Box 802625, Chicago, IL 60680, the address given by Ms. Phillips in papers submitted on March 25, 2014. Such mailing shall be by certified or registered mail, return receipt

		requested. Mailed Certified Mail Article # 7008 1830 0000 4143 3936. Signed by the Executive Committee on 4/15/2014.(nf,) (Entered: 04/21/2014)
05/08/2014	14	RECEIVED Returned Mail as "Unclaimed" that contained executive committee order dated 4/15/14 via mail article number 008 1830 0000 4143 3936. (lcw,) (Entered: 05/08/2014)
05/22/2014	15	MOTION by In Re Cherron M. Phillips to amend/correct (Solomon, Lauren) (Entered: 05/22/2014)
06/15/2014	16	RESPONSE by United States of Americain Opposition to MOTION by In Re Cherron M. Phillips to amend/correct 15 (Stump, Nathan) (Entered: 06/15/2014)

ATTACHMENT

C

***US v. Cherron Marie Phillips*, Case No. 12-872 (NDIL)**
ADVISORY GUIDELINES CALCULATIONS UNDER CONSIDERATION

Convicted of 10 Counts 18 USC 1521 (10 yr/120 mos. max.); not guilty on 2 counts

USSG Provision	**Court**	**Prob.**	**USA**	**Def.**
2A6.1 (a)(1)- BOL	**12**	12	12	
2A6.1(b)(2)(B)- >2 "liens"	**NA** only one lien per count	NA	2	
3A1.2(b)-official victim	**6** per 2A6.1, App. N. 2	6	6	
3C1.1-Obstruct. or Impeding Prosecution (in re faux suits against MJR & AUSA)	**2 (*or* 2 x 2 = 4)** *see U.S. v Frederick James*, 328 F.3d 953, 956-57 (7th Cir. 2003)	___	___	
3D1.4-Combined Offense Level (covers up to 5 units)	**5***	5	5	
Combined Adjusted Offense Level ***Crim. Hist. Cat. I***	***25*** ***(57-71)***	***23*** ***(46-57)***	***25*** ***(57-71)***	
*5K2.0(a)(3)- upward departure (*see* 5K2.0, App. N. 3(A))	**3**	OK	OK	

Although acquitted on Counts 6 & 9, that conduct was proved by a preponderance of the evidence and may be considered. See U.S. v. Johnson, 756 F.3d 532, 540 (7th Cir. 2014). Consequently a total of 12 units must be accounted for; 3D1.4 accounts for only 5 units.

Total w/ Upward Departure **Crim. Hist. Cat. I**	**28 or 30** **(78-97) or (97-121**)** **(120 month stat. max.)**	___	___	

The above calculations do not include consideration of the potentially aggravating factors referred to in pp. 22-24.