

Circuit Court of Lewis County  
LEWIS COUNTY, West Virginia  
FILED

"State of West Virginia"  
Badge #383100

2016 APR 22 A 11:35  
Chad L. Moneypenny  
JOHN B. HINZMAN  
CIRCUIT CLERK

Civil Action No. 15-M-AP-2

plaintiff,

vs

Jennifer Ruth Leeson,  
alleged defendant

**Motion to strike/dismiss complaint  
for failure to provide substantive  
due process and request for full  
finding of fact and conclusion of  
law (Amended 4/22/2016)**

I, Jennifer Ruth Leeson alleged defendant, participating under threat, duress and coercion, not submitting to the court's purported yet unproven jurisdiction, nor appearing, but being compelled under threat of violence to participate, moves that the court strike/dismiss the complaint for failure to provide substantive due process. The court is further requested to provide a full findings of fact and conclusions of law in writing if the court denies this motion

On August 29, 2014 Stacy Shaw, Magistrate Gissy's assistant forced me to make a plea by threat of violence out side the Magistrate clerks window with a witness present, refusing me access to the court or to allow me to have a hearing or arraignment in front of Magistrate Gissy before making a plea,

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A TRUE COPY Attest: **BETH A. BURKHART**

Clerk of the circuit court of  
Lewis County, West Virginia

*Michelle Posey*  
Deputy

The fact that Mrs. Shaw, a county employee forced me by threat of force to make an uninformed plea in order to have access to the court to contest a citation is clearly a violation of my rights and West Virginia Title §50-5-14. **Pleas in certain cases:**

“any person charged with a violation of said chapter seventeen-c or said chapter twenty may plead guilty or nolo contendere thereto by appearing before a magistrate, magistrate court clerk, magistrate court deputy clerk or magistrate assistant in a county other than the county in which he is charged “ (emphasis added)

This includes any plea accepted by anyone except a judge in the charging county cannot be an informed plea and since no nature and cause of the charges had been made known. Let alone that Mrs. Shaw is impersonating a judge §61-5-27a(e). **Fraudulent official proceedings; impersonation of a public official, employee or tribunal**

**(e) Impersonation.** -- “It is unlawful for a person to knowingly impersonate or purport to exercise any function of a public official, employee, tribunal or official proceeding without legal authority to do so and with the intent to induce a person to submit to or rely on the fraudulent authority of the person.” (emphasis added)

**(f) First offense.** -- “Any person who violates a provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a county or regional jail for not more than one year or fined not more than one thousand dollars, or both.

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Clerk of the circuit court of  
Lewis County, West Virginia

*Michelle Posey*  
Deputy



The fact that the citation issued even has a place on the back to make any plea is itself a violation of my and anyone else rights who receives a citation, by misleading them into making an unknowing, uninformed plea in violation of rule 9 of the Magistrate court rules of criminal procedure as well as the 6<sup>th</sup> amendment to the constitution of the United States of America and therefore being misled to enter into a unknown secret jurisdiction known only to BAR attorneys without the accused knowledge or consent, such an act committed by anyone is normally called constructive fraud, however it would appear this is the normal operating procedure for Lewis county magistrate court in West Virginia.

Surely I must have the right to make a knowing and informed voluntary plea, I must have the right to be informed of the nature and cause of the charges and proceedings , I must also have the right to make such plea to the qualified officer "judge" of the court and as such I did not have the opportunity to make a knowing, Informed plea which may have been a plea of guilty had I been informed of the nature and cause of the charges and proceedings from the beginning and not been dragged into court and forced into a trial causing me undue and unnecessary injury. This court should dismiss this case and the charges in the interest of justice, since this entire process has been tainted from the beginning and there is no chance of a fair, meaningful, non-bias or impartial hearing or trial.

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Clerk of the circuit court of  
Lewis County, West Virginia

*Michelle Hisey*  
Deputy

### Conclusion

In an effort to correct the egregious substantive due process violations, judicial misconduct and statutes violated by the lower court and undue and unnecessary injury caused to me by the lower court, and forcing me to plea in order to access the court, I move this court to either strike the complaint filed against alleged defendant or dismiss it with prejudice. I request a motions hearing to settle this matter

All rights reserved

Submitted this 22<sup>nd</sup> day of April 2016.



Jennifer Ruth Leeson, in pro per

P.O. Box 801

Bridgeport, West Virginia

non-domestic without U.S.