

Rec'd
10/4/11

Nkosi Gray, a living man, real party in interest
1906 Eaton Court
Danbury, CT 06811

PRIVATE LETTER ROGATORY

Ortrie Smith Senior District Judge, Room 8552
U.S. District Court
Western District of Missouri
400 E 9th St.
Kansas City, MO 64106

Re: NOTICE CASE NO. 11-00223-01/14-CR-W-ODS

SERVICED BY: REGISTERED U.S. MAIL # RA 798 781 020 US
Express Mail # EI 040 735 800 US

Dear Chief Judge:

The purpose of this letter is to alert you and to help ensure that unnecessary personal liabilities are avoided by any involved. Regarding Case No. 11-00223-01/14-CR-W-ODS ("Case") it is not my intention to impede any of your lawful duties or cause any anxiety or distress. Therefore, with sincere respect and without contempt I state the following. I comprehend that inherently by virtue of your position that you possess a great degree of power, nevertheless that does not help to establish authority upon the face of the administrative record.

I neither admit nor deny anything regarding the above-mentioned instant matter. This private communication is intended to provide an opportunity to correct, terminate and bring closure and settlement of this matter. My genuine hope is that a simplistic response such as the frivolity of the issue presented would not be deemed as a legally admissible response.

Under the *Standard of Review*, the court has a duty to resolve the jurisdiction of the court, regardless of who brings action; the court must make a legal finding as to its authority to take venue and jurisdiction, before the court moves to entertain the cause before it. See, 20 Am Jur 2d 60, 377. A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any matter before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance. A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. This would be a supreme injustice and the essence of slavery itself, according to the U.S. Supreme Court.

To bring an offense within the jurisdiction of the federal courts, it must have been committed out of the jurisdiction of [ANY] state; it is not the offenses committed, but rather the [PLACE] in which the offense is committed. See, People v. Godfrey, 17 Johns 225 at 233. In the doctrine of "LEX LOCI" of the "LAW OF THE PLACE" determines that standard of conduct and governs as to matters within the right of action. See, Gray v. Blight, 112 F.2d 696.

In order to acquire *in personam jurisdiction*, *territorial jurisdiction* over the *Locus in quo* must first exist thereafter allowing *subject matter jurisdiction* to be applied. The record of such must be established from the time the executive (e.g., US attorney) brings their original claim. The court could not step into such a matter and attempt to construe such a fact, as that would be a clear violation of the separation of powers doctrine.

The United States Supreme Court in two cases: Balzac v. Porto Rico, 258 U.S. 298 (1921) and Mookini v. United States, 303 U.S. 201 (1938) made it clear that a district court of the United States described a court created under Article III and a United States district court described a territorial court. The former identifies a constitutional court of the United States exercising the judicial power of the United States and the latter merely identified a court for a district of the government of the United States.

Based on statute law, the United States District Court was created pursuant to Article I of the United States Constitution and, therefore, said court is limited to territorial jurisdiction consisting of the lands and improvements over which the government of the United States has exclusive jurisdiction. The Sixth Amendment requires that territorial composition be established prior to trial. For all of the states, district court vicinage is the federal territory within the counties that comprise the district. This is the only vicinage that satisfies the 6th Amendment command that the district shall have been previously ascertained by law.

When instances are reported to the United States Attorney of offenses committed on land or in buildings occupied by agencies of the Federal government -- unless the crime reported is a Federal offense regardless of where committed, such as assault on a Federal officer or possession of narcotics -- the United States has jurisdiction only if the land or building is within the special territorial jurisdiction of the United States.

Title 18 U.S.C. 7 specifies that the "territorial jurisdiction" of the United States extends only outside the boundaries of lands belonging to any of the 50 states, and Title 40 U.S.C. 3112 specifies the legal conditions that must be fulfilled for the United States government to have exclusive or shared jurisdiction within the area lands belonging to the States of the Union.

Non-judicial, legislative, administrative and territorial courts are incapable of exercising the judicial power of the United States, which can only be found in an Article III court. Article III of the Constitution has expressly granted to Congress the power to vest courts inferior to the Supreme Court with the judicial power of the United States. The Constitution does not prohibit the creation of federal courts outside of Article III. It follows, therefore, that at the very least Congress must invoke the authority of Article III in creating Article III courts just so one court can be distinguished from another.

The Constitution, in Art. I Sec. 8 Cl. 17 prescribes that the U.S. Congress shall have exclusive legislative jurisdiction only over parcels of territory ceded to them by an act of a state legislature. Many federal statutes, including most criminal statutes, apply only within the boundaries of such parcels, which are sometimes referred to as "federal enclaves", but few such enclaves have their boundaries marked to give persons due notice of the jurisdiction into which they are entering. This creates an issue of whether such jurisdiction may be legitimately exercised, in the absence of such notice.

A number of Title 18 sections specifically declare certain conduct to be a Federal crime if committed "within the special maritime and territorial jurisdiction of the United States." See, e.g., murder, 18 U.S.C. § 1111. In some instances, the Assimilative Crimes Act, 18 U.S.C. § 13, is also applicable. See also, 15 U.S.C. § 1175; 15 U.S.C. § 1243; 16 U.S.C. § 3372.

The term "special maritime and territorial jurisdiction of the United States" is defined in eight subsections of 18 U.S.C. § 7. These subsections relate to maritime jurisdiction, 18 U.S.C. §§ 7(1), 7(2); lands and buildings, 18 U.S.C. § 7(3); Guano Islands, 18 U.S.C. § 7(4); aircraft, 18 U.S.C. § 7(5); spacecraft, 18 U.S.C. § 7(6); places outside the jurisdiction of any nation, 18 U.S.C. § 7 (7); and foreign vessels en route to and from the United States, 18 U.S.C. § 7(8).

The United States may exercise plenary criminal jurisdiction over lands within state borders:

- A. Where it reserved such jurisdiction upon entry of the state into the union;
- B. Where, prior to February 1, 1940, it acquired property for a purpose enumerated in the Constitution with the consent of the state;
- C. Where it acquired property whether by purchase, gift or eminent domain, and thereafter, but prior to February 1, 1940, received a cession of jurisdiction from the state; and
- D. Where it acquired the property, and/or received the state's consent or cession of jurisdiction after February 1, 1940, and has filed the requisite acceptance.

No jurisdiction exists in the United States to enforce federal criminal laws until consent to accept jurisdiction over acquired lands has been published and filed on behalf of the United States as provided in 40 U.S.C. 3112, even if in fact, the state authorized the federal government to take an exercise jurisdiction, it would still be immaterial. See, *Adams v. United States*, 319 US 312, 63 Supreme Court 1122, 87 L.Ed 1421 (1943).

Jurisdiction is more than a technical concept and is a 'constitutional requirement,' See, United States v. Johnson, 337 F.2d 180 (affirmed) 86 S.ct. 749, 33 US 169, 15 L.Ed 681 cert. den. 87 S.ct. 44, 134 and at 35 US 846, 17 L.Ed 2d 117. In the United States, there are [TWO] separate and distinct kinds of jurisdiction. The jurisdiction of the states within their own territorial boundaries, and then federal jurisdiction.

Therefore I've have been highly prejudiced and injured by the prosecutor in this matter; not qualifying the jurisdictional [NEXUS] in the statute, to the grand jury. Congresses, intent and the statutes [TRUE] jurisdiction as seen in the alleged offense under the indictment, cannot stand. A grand jury in order to make the ultimate determination, must necessarily determine, what gives the government jurisdiction to sustain, or bring these charges. To allow the prosecutor or the court to make a subsequent guess as to what was in the minds of the grand jury at the time they returned the indictment would deprive the accused of a basic protection, which is the guarantee of intervention that a grand jury was designed to secure. For an accused could then be convicted on the basis of facts not found by a grand jury or perhaps not even presented to the grand jury, which indicted him, such as this case, before this court, the jurisdictional nexus needed and required certainly was never presented to the grand jury, nor the fact that the charging instruments don't apply to the accused.

Subsequently due to the prosecutors actions I was seized in my domicile under extreme physical duress and mental coercion. A person is seized within the meaning of the Fourth Amendment only when by means of physical force or show of authority his freedom of movement is restrained, and in the circumstances surrounding the incident, a reasonable person would believe that he was not free to leave. If a person remains free to disregard questioning by the government, there has been no intrusion upon the person's liberty or privacy under the Fourth Amendment — there has been no seizure. See, Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971).

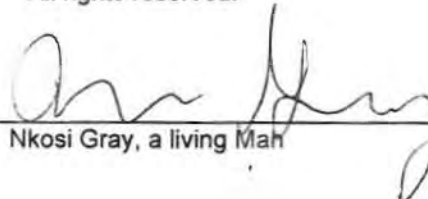
The United States, by and through its agent, the US attorney, will lose its claimed jurisdiction, if it fails to determine (prove) jurisdiction to hear this case at bar before proceeding within the US District Court. The US District Court has an obligation to compel the United States to prove jurisdiction in the best interest of justice. The question-challenging jurisdiction, was [NEVER WAIVED] by the accused. It is well settled in the law that when jurisdiction of the court and of the United States is challenged, the "ONUS PROBANDI IS ON THE ACTOR." "The strict meaning of the onus probandi," is that, if no evidence is adduced by the party on, whom the burden is cast, the issue must be found against him, Davis v. Rogers, 1 Houst (del) 44. Where jurisdiction is challenged it must be proved." Hagan v. Lavine, 415 US 528 (1974).

Conversely, it is reasonable to conclude that by carefully validating the above assertions, simple corrective measures can be executed (e.g. in camera review) that will ensure that no one need accept unnecessary liability if the time came to depose their first hand knowledge of all the facts and communications related to this matter. Therefore I pray it would not be the intention of this Honorable Court to give the appearance of instituting tyranny by substituting its own volition, as there is no discretion to ignore lack of jurisdiction.

I sincerely hope my tone indicates my honorable intentions adequately and pray you will understand my words of conciliation carry the same dedication as my ability to help forge any remedy needed. I genuinely trust advantage of this opportunity for mutual forgiveness will be taken to correct the public record concerning this matter.

Thank you, in advance, for your cooperation.

Very truly yours,
All rights reserved.


Nkosi Gray, a living Mah

October 3, 2011
Date

**STATE OF CONNECTICUT
OFFICE OF THE SECRETARY OF THE STATE**

I, **DENISE W. MERRILL**, Secretary of the State of Connecticut and keeper of the seal thereof;
DO HEREBY CERTIFY, that **LORI A. KABACK**, was duly elected or appointed to
the office of **ASSISTANT TOWN CLERK**, for the town of **DANBURY** in the county of
FAIRFIELD in said State, for the term of December 2, 1997 to INDEFINITE.



In Testimony Whereof, I have hereunto
set my hand and affixed the Great Seal of
the State of Connecticut, at Hartford, on
October 4, 2011.

Denise W. Merrill

Secretary of the State



STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

} SS. Danbury

I, Lori A. Kaback Clerk of the Town of Danbury

in said County, do hereby certify that Marco Almeida Violante
by and before whom the foregoing (or annexed) acknowledgment was taken, was at the time of taking the same a notary public
(or other officer) residing (or authorized to act) in said County, and was authorized by the laws of the State to take and certify
acknowledgments in said State, and, further, that I believe that the signature to the certificate of acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State and Town this

03rd day of October 2011.

Lori A. Kaback
Town Clerk

APF 223

State of Connecticut)

) SS:

County of Fairfield .)

On this, the 3 day of Oct, 2011, before me a notary public, the undersigned officer, personally appeared Nkosi Gray, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Marco Violante

Notary Public

Cc: Sarah W. Hays U.S. Magistrate Judge, Room 6672
U.S. District Court
Western District of Missouri
400 E 9th St.
Kansas City, MO 64106

MARCO ALMEIDA VIOLANTE
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES
MAY 31, 2016

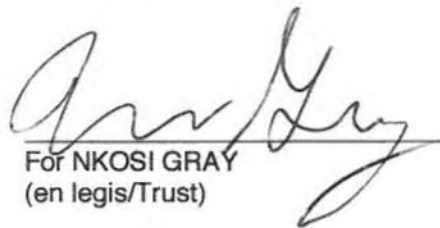
CERTIFICATE OF SERVICE

I, as authorized agent for NKOSI GRAY, do hereby certify that on 4th day of October-2011, the foregoing documents are placed in the POST OFFICE, postage pre-paid, respectively addressed to the following parties:

Ortrie Smith Senior District Judge, Room 8552
U.S. District Court
Western District of Missouri
400 E 9th St.
Kansas City, MO 64106

~~REGISTERED MAIL NUMBER RA 798 781 020 Us.~~
Express Mail # EI 040735800 US

Sarah W. Hays U.S. Magistrate Judge, Room 6672
U.S. District Court
Western District of Missouri
400 E 9th St.
Kansas City, MO 64106
CERTIFIED MAIL NUMBER 7007 3020 0001 1769 0252


For NKOSI GRAY
(en legis/Trust)