

Date: Nov. 3, 2003

Dear Stephen, Clerk of the Court of the Honorable A.Howard Matz,

Enclosed please find a copy of:

MOTION TO DISMISS COUNTS 1-9 FOR LACK OF JURISDICTION;
MEMORANDUM OF LAW.

I am unable to enclose an envelope with return postage as my status is still currently that of an indigent, please make available copies for any party who wants one. I thank you in advance for your understanding, assistance and patience in this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Steven-William Sutcliffe".

Steven-William: Sutcliffe

DECLARATION OF MAILING

I, Steven-William: Sutcliffe declare:

1. I am an adult over the age of 21 years.
2. On the date below, I did place the following:

MOTION TO DISMISS COUNTS 1-9 FOR LACK OF JURISDICTION;
MEMORANDUM OF LAW

in an envelope affixed with first class postage and addressed to:

Elena J. Duarte, Esq
Asst. U.S. Attorney
1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

Hon. A. Howard Matz, Judge
Attn: Clerk of Court
U.S. District Court
312 North Spring Street G-8
Los Angeles, California 90012-4793

Dated: Nov. 3, 2003

Signed under the pains and penalties of perjury:



Steven-William: Sutcliffe, Sui Juris
Political-Prisoner: 02837-049

Steven-William: Sutcliffe
02837-049
Metropolitan Detention Center
P.O. Box 1500
Los Angeles, CA 90053-1500
Forced In Pro Per

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

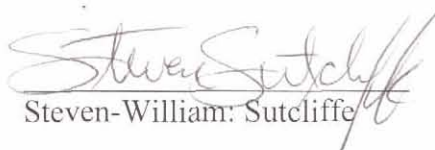
UNITED STATES OF AMERICA)	CASE NO.:CR-02-350(A)-AHM
)	
Plaintiff,)	MOTION TO DISMISS COUNTS
)	1-9 FOR LACK OF JURISDICTION
)	MEMORANDUM OF LAW.
STEVEN WILLIAM SUTCLIFFE)	
Defendant.)	
)	

DATE:
TIME
TRIAL-DATE: Nov. 12, 2003

TO THE HONORABLE COURT IN THE ABOVE-ENTITLED ACTION:
PLEASE TAKE NOTICE that the defendant Steven-William: Sutcliffe, forced in Pro Per and proceeding Sui Juris, hereby moves the court pursuant to the authority of the Constitution of the United States, all laws pursuant thereof and under the authority of the Memorandum Of Law herein, for a hearing date, prior to trial to be set so that the accused can challenge the jurisdiction of the prosecution as the accused believes the government lacks personal and/or subject-matter jurisdiction. The accused requests and reserves the right to produce evidence, call witnesses and make oral arguments on the record in support of this motion.

I swear under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge.

Dated: Nov. 3, 2003


Steven-William: Sutcliffe

01 **FACUAL MATTERS**

02 The accused has been charged in the instant case with "transmitting" social
03 security numbers and making threats over the internet. The government claims
04 jurisdiction was established via this connection of the internet by the Interstate Commerce
05 Clause. The accused disputes this claim as a matter of law.

06 **MEMORANDUM OF LAW**

07 This memorandum of law is made in support of the accused's motion to dismiss
08 counts 1-9 of the instant Indictment. The accused makes a challenge to the governments
09 claim to have jurisdiction over the accused in the instant case. The accused denies the
10 governments claim of jurisdiction on all of the counts therein the Indictment collectively
11 and separately subject to clear-proof. Further, the accused believes the court "lost"
12 jurisdiction by its order that the accused had to "represent himself"(sic) on Aug. 27, 2003,
13 which deprived the accused of his rights under the right to Liberty by reasonable bail
14 under the Eighth Amendment; Assistance of Counsel under the Assistance of Counsel
15 Clause, Speedy Trial under the Speedy Trial Clause, and Compusory Process under the
16 Compusory Process Clause of the Sixth Amendment; as well as Due Process under the
17 Due Process Clause of the Fifth Amendment.(See Johnson v. Zerbst, 304 U.S. 458 (1938)

18 The judge has a duty to continually inspect the record of the case, and if subject
19 matter jurisdiction does not appear at anytime from the record of the case, then he has a
20 duty to dismiss the case as lacking subject matter jurisdiction. **Should a judge act in any
21 case in which he does not have subject matter jurisdiction, he is acting unlawfully. U.S. v.
22 Will, 449 U.S 200; Cohens v. Virginia, 19 U.S (6 Wheat) 264 (1821)**

23 "Jurisdiction, once challenged, cannot be assumed and must be decided." Maine v.
24 Thiboutot, 100 S.Ct. 250.

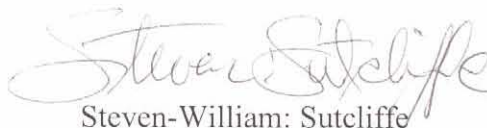
25 "If any tribunal finds absence of proof of jurisdiction over person & subject
26 matter, the case must be dismissed." Louisville R.R. v. Mottley, 211 U.S. 149

27 **"It must be considered & decided, before any court can move one step further."**
28 Rhode Island v. The State Of Massachusetts, 37 U.S. 709.

As such the accused demands and requests the court to dismiss the charges in the
interest of justice and/or lack of jurisdiction or provide a hearing forthwith.

Respectfully yours,

DATED: Nov. 3, 2003



Steven-William: Sutcliffe
Political-Prisoner# 02837-049