

Eastern District of Kentucky
FILED

APR 12 2016

UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTONAT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA,	:	Case Number
Plaintiff	:	5:15-CR-87-DCR
	:	
	:	
Vs.	:	
	:	Motion to Dismiss
	:	And Limine
	:	
Samuel A. Girod	:	
Defendant, in error	:	

On this day of April 12, 2016, after removal of counsel, the Defendant, in error, moves this Honorable Court for Dismissal under a blatant Lack of Due Process, Lack of Standing and a total Lack of Jurisdiction involving the alleged federal agency known as the FDA, assumptions and presumptions notwithstanding.

The matter must first be heard under the provisions of; 5 U.S. Code § 554 –

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record “after” opportunity for an agency hearing.

(b) **Persons entitled to notice of an agency hearing shall be timely informed of—**

(1) the time, place, and nature of the hearing;

(2) the legal authority and jurisdiction under which the hearing is to be held;

[Note; Emphasis added and mine.]

Please show on the record and for the record, reflection will not suffice, where and when this agency hearing, involving Due Process, Standing and Jurisdiction took ever place and why Samuel was not entitled to this Hearing? The courts have consistently held; “*When a person of ordinary intelligence has not received fair notice that his contemplated conduct is forbidden, prosecution for such conduct deprives him of due process.*” ; *U.S. v. Batchelder*, 442 U.S. 114, 123, 99 S.Ct. 2198, 60 L.Ed2d 755 (1979) and “*Prosecution of [one] who is unaware of any wrongdoing violates the Due Process Clause.*” *General Electric Co. v. E.P.A.*, 53 F. 3d 1324 (1995)

Question [1] Absent any Administrative Hearing, this action, in Law; is this Prosecution a direct violation of the Due Process Clause of the U.S. Constitution, not at law, but in Law? Assumed answer is toward the affirmative and this matter is void, not voidable, just void.

Question [2] Please show why, this particular alleged Defendant was not entitled to this Agency Hearing, Assumption and Presumption notwithstanding. The assumed answer is somebody was going to make an example of this Man [Not to be confused with “*men and other animals*” as described by the FDA] and Due Process, Standing and Jurisdiction was irrelevant towards that agenda.

Moreover, Samuel, the alleged defendant, had an in-depth analysis of the Farm Produce in question. The results were ND or No Drugs found. [See Attachment [A] **Question [3]** If the charging agency is in fact the Food and Drug Administration and the Produce is Not Food and contains No Drugs does the FDA lack standing in this issue?

The obvious answer is to the affirmative they do lack standing to make this or any other claim against Samuel. A dismissal for either Lack of Standing and or Lack of Due Process of Law is warranted at this time.

Furthermore, The Food and Drug Administration, Forensic Chemistry Center, did their own Forensic Analysis in which each and every Farm Produce tested “No Drugs or Poisons found”. [Please see Attachment [B]]

We would ask this Honorable court to at least grant Limine, involving the use of the words “**Drug**” and “**Product**” at trial based on these attachments, if an outright dismissal is not forthcoming. Product is not Farm Produce and Farm Produce is not Product just like a bird is not an airplane, they both have flight capabilities and both have landing gear but a bird still is not an airplane, in Law maybe at law, but not in Law.

Question [4] If Samuel is the alleged defendant and was not involved with the processing of Food and No Drugs found, from two sources. [Deuteronomy 19:15 “*A single witness shall not rise up against a man on account of any iniquity or any sin which he has committed; on the evidence of two or three witnesses a matter shall be established. *If a malicious witness rises up against a man to accuse him of wrongdoing,*”] Did these alleged officials act outside of their prospective delegated authority and bare false witness against Samuel?*

Based on these analyses, why would Samuel be required to register with the FDA? The expected answer is he is not required to do so, now or over four years ago when this mess started. Meaning the employees of the FDA *ab initio*, moved Knowingly, Willingly, and with Malice and Forethought against this Man, known as Samuel. This is outside the function of this Government and scope of this alleged agency.

Based on the answers, assuming that the answers are favorable, to Samuels’s position, the Food and Drug Administration has no standing to move and violated Due Process of Law when they did move against Samuel in this matter and this matter has to be dismissed, as it is already void.

Total Lack of In Personam Jurisdiction, Subject Matter Jurisdiction and In Rem Jurisdiction *ab initio*.

In the beginning of this mess, Samuel did allow an inspection unaware of the jurisdictional waivers involved. However, the agreement was made that no Pictures would be taken; sadly, the agents did take pictures in direct violation of Samuels Trust, Agreement [verbal contract] and Religion which has been recognized by this Honorable Court prior. Meaning they destroyed their own attempt to establish jurisdiction where none ever existed. Samuel has maintained Clean Hands throughout this matter. The FDA and the agents thereof not so much, not even close. [*Maxim of Law: Every consent involves a submission; but a mere submission does not necessarily involve consent.*]

While we are looking at clean hands, Let us look at the alleged expert report of Charles Lee. We contend that Charles is not a reliable witness in this matter. <http://www.sec.gov/Archives/edgar/containers/fix050/1002422/000100242207000003/exhibit991feb212007pr.htm> It would appear that Mr. Lee is a consultant to the pharmaceutical companies. Making his testimony tainted and biased favoring the outcome of the pharmaceutical company's frivolous claim against Samuel and his Farm Produce. Now, let us look at the alleged expert report of Shaw T. Chen. We contend that Shaw T. Chen is not a reliable witness in this matter. <http://www.prnewswire.com/news-releases/shaw-t-chen-md-phd-joins-polaris-253626521.html> It would appear that Mr. Chen now works for the pharmaceutical companies. Making his testimony tainted and biased favoring the outcome of the pharmaceutical companies claim against Samuel and his Farm Produce. Let us look at the head of the FDA and see what he has to say about pharmaceutical companies?

A disclosure statement on the website of Duke Clinical Research Institute says "Robert M. Califf, MD, reports receiving research grant support from Novartis Pharmaceuticals, Johnson & Johnson/Scios, Lilly, Merck, and Schering Plough, and consulting fees from Annenberg, Aterovax, Bayer / Ortho McNeil, BMS, Boehringer Ingelheim, GSK, WebMd / theheart.org, Johnson and Johnson / Scios, Kowa Research Institute, McKinsey & Company, Medtronic, Merck, Novartis Pharmaceuticals, Sanofi Aventis, and Schering Plough, and has an equity position with NITROX, LLC." **In disclosure information for a 2013 article in Circulation**, Dr. Califf's also lists financial links to Gambro, Regeneron, Gilead, AstraZeneca, Roche, others companies and equity positions in four medical companies. The medical website Medscape discloses that Dr. Califf "served as a director, officer, partner, employee, advisor, consultant or trustee for Genentech" as well as for Medscape LLC / theheart.org. Portola Pharmaceuticals says Dr. Califf served on the Board of Directors until he was appointed FDA Deputy Commissioner for Medical Products and Tobacco.

Appearing on PBS with Susan Dentzer after Vioxx was withdrawn because of its links to thousands of heart attacks and stroke, Dr. Califf said, "Merck played by the rules from everything that I've seen." He also said, **"many of us consult with the pharmaceutical industry, which I think is a very good thing. They need ideas and then the decision about what they do is really up to the person who is funding the study."**

In other words, the head of the FDA, Robert Califf, thinks whichever wealthy special interest group or corporation funding the studies should be able to be in charge of the decision making process. He also thinks that FDA should "consult" [for a Fee] with the pharmaceutical industry and that this is perfectly okay when FDA leaders are on the take from pharmaceutical companies and most likely the Food industry also, we will have a closer look at that issue a little later.

http://www.naturalnews.com/053219_Robert_Califf_FDA_head_Big_Pharma.html#ixzz43Yw0ic7F and <http://jbanews.com/2016/02/21/5-cancer-causing-snacks-your-children-should-never-eat-again/> and https://thetruthaboutcancer.com/cancer-causing-foods-2/?gl=582822954&a_aid=56def62e7b5f8&a_bid=32c5e62d

All approved by the FDA, So, to recap this issue, the head of the FDA and the two alleged expert reports come, directly or indirectly, from pharmaceutical companies. Number 2 in the background of this alleged indictment numbered at 5-15-cr-87-dcr states the FDA "**was**" the federal agency charged with the enforcement of FDCA.

Question [5] Does this mean that the FDA “is” no longer charged with the enforcement and the pharmaceutical companies, directly or indirectly, are now?

Question [6], Would the above not constitute a huge conflict of interest? Were the best interest of said pharmaceutical companies are served by this action? Making sure, no one ever tries to heal with what God has provided us without the use of dangerous Drugs or Poisons provided by the same pharmaceutical companies at a huge profit.

Now that we have established, as to whom the players are in this matter where pharmaceutical companies are posing as a Government agency. The agency infiltrators must follow the rules of the agency and the Rule of Law. Meaning all of this must be addressed at an agency hearing where Samuel must have the opportunity to be heard, assumption and presumption notwithstanding. There is no final agency determination in order for the courts to move forward, as Samuel has never had the opportunity to be heard and the agency lacks Jurisdiction and Standing; due to the Lack of Due Process Moreover, this Matter is not ripe for Trial but is ripe for Dismissal.

The pharmaceutical companies posing as FDA approved the deaths of 40 Americans a day with approved opioid's, according to CDC.

<http://www.cdc.gov/drugoverdose/index.html> and yet the same people want to regulate what grows in our back yards when No Drugs or Poisons can be found?

For years, the charging pharmaceutical companies posing as a Government Agency refused to do any meaningful studies on the collective poisoning of the American people.” *In the 1970s and 1980s, many studies were conducted giving children 26 mg of a mixture of dyes. Only a few children seemed to react to the dyes, so many doctors concluded that a dye-free diet was pointless. Later studies using larger doses showed that a much larger percentage of children reacted. But some researchers considered those doses unrealistically high. It is now clear that even the larger amounts may not have been high enough. The time is long past due for the FDA to get dyes out of the food supply or for companies to do so voluntarily and promptly.*”

<http://www.inquisitr.com/1261130/children-ingest-far-more-artificial-food-dyes-than-expected-may-affect-behavior/> Some of the studies are difficult or imperfect. ... But there is this body of literature that does suggest that food colorings are not as benign as people have been led to believe. Andrew Adesman, developmental and behavioral pediatrics expert <http://www.npr.org/2011/03/30/134962888/fda-probes-link-between-food-dyes-kids-behavior> The food industry dumps over 15 million pounds of the dyes studied into the food supply each year. Three of the dyes carry known carcinogens, and 4 can cause serious allergic reactions in some consumers. New studies show that seven of them contributed to cancer in lab animals, including brain and testicular tumors, colon cancer, and mutations. <http://www.foodsafetynews.com/2010/07/popular-food-dyes-linked-to-cancer-adhd-and-allergies/#.VvFCTtIrlsY> Petroleum is the yellow liquid that is mined from the earth to produce gasoline and motor oil. It's also refined and used in many food products that line american grocery shelves, most of these being marketed towards children. These by-products are often consumed in the form of bright food coloring, flavoring and preservatives in processed snacks. Yellow dye #5 and red dye #40 are well-known variations. Currently, **The FDA isn't concerned about the petroleum products used in American food, but many of these are outlawed in other countries because they pose serious health risks.** <http://jbanews.com/2016/02/21/5-cancer-causing-snacks-your-children-should-never-eat-again/>

All approved by the pharmaceutical companies and food industry posing as a Government Agency known as the FDA, a simple internet search will show how the FDA has had no meaningful study of the poisoning of the American people. In fact, the opposite has been perpetrated against the American People all while Samuel's Farm Produce contains No Food and No Drugs, making every claim, indictment, injunction and or case against Samuel *ab absurdo* on its face, MOOT..

Question [7] How does one Amish man surround two federal agents, *ab absurdo* on its face? Now, Let us look at this alleged Indictment Background:

Indictment Background Number 1, The pharmaceutical companies Attorney's posing as Government wrote; "*Defendant SAMUEL A. GIROD operates an establishment at 409 Satterfeild Lane, Owingsville, KY 40360.*"

Who is SAMUEL A. GIROD and why did the Plaintiff, in attachment "C" use the proper Samuel A, Girod? We, the Body, Mind and Spirit, collectively, known as Samuel ask this court for Limine on the word usage of both SAMUEL A. GIROD and Samuel A, Girod until such time as the pharmaceutical companies' Attorney's posing as Government can show which entity is the DEFENDANT and which is not and if any **explain the difference**, in Law.

Samuel operates nothing, he is a farmer, and we ask this court for Limine of the word Operator, Operates and Operation until the pharmaceutical companies Attorney's posing as Government can show that Samuel is anything other than a Kentucky Farmer.

The pharmaceutical companies Attorney's posing as Government claim Samuel "Operates an establishment" we can find no FDA definition for this word so we will use the common usage of ; <http://www.thefreedictionary.com/establishment>

es·tab·lish·ment (i-stăb'lish-mənt)*n* **1.a.** The act of establishing.

b. The condition or fact of being established.**2.** Something established, as:**a.** An arranged order or system, especially a legal code.**b.** A permanent civil, political, or military organization.**c.** An established church.**d.** A place of residence or business with its possessions and staff.**e.** A public or private institution, such as a hospital or school.**3.** often **Establishment** An established social order, as:**a.** A group of people holding most of the power and influence in a government or society. Often used with *the*.**b.** A controlling group in a given field of activity. Often used with *the*.

We can find no useful usage for this word in relation to Samuel's Farm or the Produce thereof and ask this court to Limine this word, if outright dismissal is not forthcoming, until the Attorney's posing as Government can show where Samuel's Farm or produce qualifies as an establishment with Product regulatable by the FDA, assumption and presumption notwithstanding.

The pharmaceutical companies Attorney's posing as Government claim Samuel's Farm is Located "**in**" KY40360 we contend it does not, Samuel's Farm is located "**on**" the Landmass known as Bath County Kentucky, not the COUNTY OF BATH. We ask the court to Limine phrases like; COUNTY OF BATH, KY40360 and Bath County Kentucky. Until the pharmaceutical companies Attorney's, posing as Government can show where, actually and exactly, Samuel's Farm is located assumption, presumptions and perversion of the Reconstruction Act notwithstanding. These reasons are exactly why Due Process of Law in the form of an administrative hearing is necessary prior to Injunction, Grand Jury or Trial. Everything else falls apart at this point in this case. Nevertheless, just to sharpen our position, let us continue.

Indictment Background Number 2, No Drugs, Lack of Due Process, Lack of Standing, Void.

Question [8] Why if the Food and Drug Administration “**was**” charged with protection of the American people and food supply, against unhealthy food, did the Plaintiff UNITED STATES find the necessity to pass “Monsanto Protection Act” allowing the poisoning of the Food supply. The FDA failed in its mission statement and should be disbanded, by their own words and too protect the American People.

Background Number 3, Interstate commerce? We are glad this issue was brought forward; *“Our system, fostered by the Commerce Clause, is that **every farmer and every craftsmen shall be encouraged to produce by the certainty that he will have free access to every market in the Nation, that no home embargos will withhold his exports; and no foreign state will by customs, duties or regulations exclude them.**”*

Likewise, every consumer may look to the free competition from every producing area in the Nation to protect him from exploitation by any. Such was the vision of the founders; such has been the Doctrine of this court which has given it reality.” **H.P. Hood & Sons, Inc. v. Du Mond, 336 U.S. 525,, 539; 69 S. Ct. 657, 665; 93 L.Ed.865 (1949); Dennis v. Higgins, 439; 11 S. Ct. U.S. Neb., (1991) ;** No Drugs found registration not necessary, Lack of Due process, Lack of Standing, Void.

Indictment Background Number 4, Samuel touted no such thing; People using this Farm Produce gave testimony to fact of effectiveness for various reasons, plus thousands of years of common knowledge without FDA approval and without the UNITED STATES.

Indictment Background Number 5, See number 4.

Background Number 6, Again, see number 4.

Background Number 7, No Drugs, Lack of Due Process, Lack of Standing, Void.

Number 8, No Drug, perversion of the Commerce Clause notwithstanding.

Number 9, No Drugs found, Lack of Due Process, Lack of Standing, Void

Number 10, No Drugs found, Lack of Due Process, Lack of Standing, Void.

Number 11, No Drugs found, Lack of Due Process, Lack of Standing, Void

Number 12, No Drugs found, Lack of Due Process, Lack of Standing, Void

Number 13, No Drugs found, Lack of Due Process, Lack of Standing, Void

Number 14, No Drugs found, Lack of Due Process, Lack of Standing, Void FDA lacked standing appears to be fraud upon the court, injunction must be lifted.

Background Number 15, Please see 14.

Background Number 16, Again Please see 14

Count 1

Number 17, Our answers in 1 through 16 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 18, Does asking to see their warrant constitute a crime?

Number 19, Federal agents felt threatened by an Amish Family, absurd on it face.

Number 20, By asking for a warrant?

Number 21, Please see number 20

Number 22, No Drugs found, Lack of Due Process, Lack of Standing, Void

Count 2

Number 23, Our answers in 1 through 22 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 24, By asking for a warrant? Ok, if the FDA is to be believed, an Amish Family intimidated these federal agents? Absurdum.

Count 3

Number 25, Our answers in 1 through 24 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 26, No Food or Drug found making registration with this paper tiger unnecessary and irrelevant as is the indictment and injunction. Dismissal of any and all claims against Samuel and/or SAMUEL is in Order. No Drugs found, Lack of Due Process, Lack of Standing, Void

Count 4

Number 27, Our answers in 1 through 26 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 28, No Drugs found, Lack of Due Process, Lack of Standing, Void

Count 5

Number 29, Our answers in 1 through 28 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 30, No Drugs found, Lack of Due Process, Lack of Standing, Void

Count 6

Number 31, Our answers in 1 through 30 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 32, No Drugs found, Lack of Due Process, Lack of Standing, Void and registration was/is irrelevant.

Count 7

Number 33, Our answers in 1 through 32 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 34 See count 6 at Number 32, Void

Count 8

Number 35, Our answers in 1 through 34 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 36, See Count 6 and 7 at Number 32 and 34, Void

Count 9

Number 37, Our answers in 1 through 36 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 38, See count 6, 7 and 8 at Number 32, 34 and 36, Void

Count 10

Number 39, Our answers in 1 through 38 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 40, See count 6, 7, 8 and at Number 32, 34, 36 and 38, Void

Count 11

Number 41, Our answers in 1 through 40 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 42, See count 6, 7, 8 and 10 at Number 32, 34, 36, 38 and 40 Void

Count 12

Number 41, Our answers in 1 through 42 of this ab absurdo re-proven and incorporated by reference as though set forth herein.

Number 42, No Drugs found registration was/is irrelevant, Lack of Due Process. Again, these federal agents felt threatened by Amish people, really, seriously and more ab absurdo that lacks the standing of Common Sense and Void of any standard within Reality.

Moreover, this Matter is and was at the time of the allegation, absent Due Process of Law, an official proceeding in where these agents had no authority to make this claim in any Court without holding the agency hearing under Title 5 § 554 – Adjudications. at;

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing.

Furthermore, the pharmaceutical companies and food industry Attorney's posing as a Government Agency known as the FDA cannot be permitted to simply ignore their own rules governing FDCA Statute at 21 U.S.C. § 335, which clearly and unambiguously states ; ***"Before any violation of this chapter is reported by the Secretary to any United States Attorney for institution of a Criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and opportunity to present his views, either orally or in writing with regard to such contemplated proceeding."*** A careful examination of the record will show Title 5 § 554 and 21 U.S.C. § 335 were not followed. We contend this is a violation of Due Process and the FDA has no standing or jurisdiction due to their failure, again assumptions and presumptions notwithstanding. This court has jurisdiction over all agency issues this fact is agreed upon, questioning the FDA jurisdiction, or in this case the lack thereof, over that which it cannot possibly have jurisdiction. The agency could not have given that which the agency did not have ab initio therefore, Dismissal is warranted for lack of Jurisdiction.

The indigenous people all over the world have used these ingredients for thousands of years, including but not limited to the Mesoamerican People wiped from the face of the planet by the Plaintiff in this matter. Whom, I might add, just wanted, among other things, to live peacefully without the UNITED STATES. Remember, "NO Drugs found, claims of a "New Drug", for thousands of years back to the time of Christ; long before the FDA or the UNITED STATES was even in existence People have used these Herbs and Plant as God intended. King James Bible ***Genesis 9:3 "Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things"***.

The FDA by there own words, and there own Analysis, prohibit the behavior of these alleged agents, the injunction and this alleged indictment, all fruit from a poisonous tree and all Void.

Question [9] This indictment was signed not by the foreman or fore-wombman of the grand jury but a UNITED STATES ATTORNEY an attorney for the Plaintiff, why?

Question [10] If Samuel was not allowed to have an agency hearing as prescribed by Law, not allowed to rebut information presented to a grand jury and not given records of said hearing how do we know the grand jury indictment is even valid. The Plaintiff's attorney only signs it, no one else signed, why?

Question [11] In the beginning of this Matter, the Attorney's posing as a Government agency, claimed an injury to the effect of someone burning their skin using Samuel's produce. Yet a careful examination of the record can find no injured party, was this false and misleading statement made to competent authorities to seek a goal and once that goal of injunction was reached quickly dropped or Fraud upon this Honorable Court? If these agents provided false statements about an injured party to obtain an injunction, what false statement did they provide to a Grand Jury to obtain this alleged indictment? We want a Name, and Address of the injured party for depositions prior to trial, if Dismissal is not forthcoming.

Question [12] Was it explained to the alleged Grand Jury that the expert witnesses and heads of the FDA are coupled financially with the pharmaceutical companies, who do not want the healing power of our God's Herbs common knowledge, as they cannot hugely profit from the same?

Enclosing; It is required of this honorable court to recognize the findings of the Supreme Court in; **"Federal Crimes, of course, 'are solely creatures of statute.'** *Liparote v. United States*, 471 U.S. 419, 424, 105 S.Ct. 2087, 85 L.Ed.2d 434 (1985), citing *United States v. Hudson*, 7 Cranch 32, 3 L. Ed. 259 (1812). *Accordingly, when assessing the reach of a federal criminal statute, we must pay close heed to language, legislative history, and purpose in order strictly to determine the scope of the conduct the enactment forbids. Due respect for the prerogatives of Congress in defining federal crimes prompts restraint in this area, where we typically find a 'narrow interpretation' appropriate. See Williams v. United States* 458 U.S. 279, 290, 102 S.Ct. 3088, 3094, 73 L.Ed. 37 (1820)

And;

The rule that penal laws are to be construed strictly is perhaps not much less old than constitution itself. It is founded on the tenderness of law for the rights of individuals; and on the plain principle that the power of punishment is vested in the legislative, not in the judicial department. *United States v. Wiltberger*, 5 Wheat 76, 95, 5 L.Ed. 37

And;

Elliott v. Peirsol, 26 U.S. (1 Peters) 328, 340 (1828) - "Where a court has jurisdiction, it has a right to decide every question which occurs in the cause, and whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court. But if it acts **without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void,** and form no bar to a recovery sought, even prior to a reversal, in opposition to them. They constitute no justification, and **all persons concerned in executing such judgments or sentences are considered in law as trespassers.** This distinction runs through all the cases on the subject, and it proves that the jurisdiction of any court exercising authority over a subject may be inquired into in every court when the proceedings of the former are relied on and brought before the latter by the party claiming the benefit of such proceedings."

And *Erie Railroad Co. v. Tompkins*, 304 U.S. 64, 58 S. Ct. 817, 82 L. Ed. 1188 (1938).

[Maxin of Law The contract makes the law. No Contract, No Law.]

The agency had no authority due to Samuel has No Food, No Drugs in his Farm Produce and No Contract with the FDA and this matter is very, very ripe and ripe for dismissal.

Might we remind the pharmaceutical companies Attorney's acting as agents of the FDA and this Honorable Court of our Commandments?

First; **Thou shalt have no other gods before me** The FDA has violated this Commandment. We, the Body, Mind and Spirit known Samuel will not recognize the agency's authority in this matter for the previous eight pages of reasoning. The pharmaceutical companies Attorney's acting officials at FDA posing as Government are no god, all Void.

Matthew 6:24 24 "No one can serve two masters. Either you will hate the one and love the other, or you **will be devoted to the one and despise the other.**

Thou shalt not steal the FDA has stolen, without lawful cause, over a million dollars of produce and then had the audacity to send a bill for storage. This is like robbing a Bank and the sending a bill for storing the Money, ab absurdo, defiles Common Sense.

Thou shalt not bear false witness against thy neighbour These pharmaceutical companies Attorney's acting as agents do not have clean hands. Fraud upon the court, it would appear so, assumptions and presumptions notwithstanding.

Romans 13

Submission to Governing Authorities

13 Let everyone be subject to the governing authorities, for there is no authority except that which God has established.

Samuel has done no wrong, there is no victim and has clean hands. Meaning, this is not the governing authority instituted by God as described within Romans 13, but a corporate takeover of said governing authority described within Romans 13 of which we owe no allegiance to any false claim of a false god nor a false Corporate Government. No victim, no Crime, No Contract, No Law.

Nothing in this document outside of the normal Processing, Filing, Practices, Principles and or Procedures of this Court is made out of disrespect but a lack of knowledge of the processes and will be decided on the Merits and not procedural errors, padding ones retirement with absolute immunity notwithstanding. Might we remind the court that;

Haines v. Kerner, 404 U.S. 520 (1971)

*Supreme Court found that pro se pleadings should be held to **"less stringent standards"** than those drafted by attorneys.*

And

Perry v. United States, 204 U.S. 330, 358 " I do not understand the government to contend that it is any less bound by the obligation than a private individual would be..."
"It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."

And

Duncan v. Missouri, 152 U.S. 377, 382 (1894) "Due process of law and the equal protection of the laws are secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of government."

Question [13] The Plaintiff appears, as UNITED STATES OF AMERICA is this entity different then, "The United States of America" of which Samuel consented and lives accordingly and under Romans 13 which is a proper Noun and a guaranteed Republican form of Government. We ask this court to Limine either of these word usages until the pharmaceutical companies Attorney's posing as a Government agency can show where these entities are the same, in Law.

Never told the Nature and Cause of the charges filed against Samuel, we can only assume that they are Military Charges by Nature and a perversion of the Reconstruction Act under some territorial law. As the Civil authority, as the People, you are ordered to stand down in your Military capacity. If a valid charge, inwhere an injured party, is forthcoming, we will discharge any claim given that opportunity. You have had your pound of flesh; it is time for Discharge, Dismissal and move on. Samuel has never been given that opportunity. This document must be answered by the alleged agency point by point or the court must dismiss the claim in its entirety or join the Prosecution Team.

The pharmaceutical companies Attorney's posing as a Government agency has the standard time prescribed by the rules of court to reply. Anything not directly rebutted will establish a tacit agreement, through silence, between the parties; if no answer is forthcoming, the courts will see our position as valid, in Law and dismiss this matter as ab absurdo.

We the People or the Body, Mind and Spirit known, singularly, as Samuel, house of Girod [not to be confused with defendant, SAMUEL A. GIROD, men or other animals], as the **Principle Executive Officer Per Law Eternal [PEOPLE]**. Samuel demands remedy from this court in the form of dismissal, of this frivolous claim, and/or a Violation of Due Process of Law and/or a Lack of Standing and/or a Violation of the Commerce Clause.

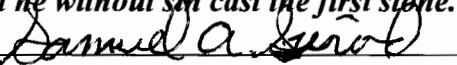
What would the Founding Fathers think about this mess? They made that issue extremely clear. http://www.archives.gov/exhibits/charters/declaration_transcript.html
He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.
He has affected to render the Military independent of and superior to the Civil power.
He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

We also ask the Kentucky Attorney General to investigate Criminal activity on Kentucky soil. It would appear in this Matter the pharmaceutical companies' Attorney's posing as a Government agency acted against the Peace and Dignity of this Commonwealth by violating this Farmer. This is happening all over the country to simple folks without means to defend and it is a shameful display of corporate overreach by a de facto Corporate Governmental agency with no legitimacy and must be stopped. You can be part of the Solution or part of the Problem, you can Condone or Condemn, but you cannot do both.

To anyone reading this document and those of the simplest of minds alike, if you cannot find reasonable doubt and appealable issues littered throughout this document, you are not looking very hard. An attack of this Amish Family will not give this claim standing, as the matter is Void.

It is difficult to get a man to understand something, when his salary depends upon his not understanding it. ... Upton Sinclair

John 8, Let he without sin cast the first stone.

By: 

Samuel, House of Girod

End of document, assumption and presumptions notwithstanding

Certificate of Service

Serviced by my hand and United States Postal Service signature required on this day;

FDA Headquarters [Military headquarters?]
White Oak Campus,
10903 New Hampshire Avenue,
Silver Spring, Maryland 20993

Office of the Honorable Andy Beshear
Office of the Attorney General
700 Capitol Avenue, Suite 118
Frankfort, Kentucky

Commissioner of Food and Drugs
Robert Califf, M.D.
White Oak Campus,
10903 New Hampshire Avenue,
Silver Spring, Maryland 20993

Criminal Branch Deputy Attorney
General J. Michael Brown
Office of the Attorney General
700 Capitol Avenue, Suite 118
Frankfort, Kentucky

Chief Information Officer Todd Simpson
White Oak Campus,
10903 New Hampshire Avenue,
Silver Spring, Maryland 20993

Chief Counsel Elizabeth H. Dickinson.
White Oak Campus,
10903 New Hampshire Avenue
Silver Spring, Maryland 20993

The Honorable Robert E. Wier
United States Magistrate Judge
US District Court
101 Barr Street
Lexington, KY 40507

The Honorable Amul R. Thapar
United States District Judge
US District Court
35 West 5th Street
Covington, KY 41011

The Honorable Karen K. Caldwell
United States Chief Judge
US District Court
101 Barr Street
Lexington, KY 40507

Robert R. Carr, Clerk.
Clerk of Court
US District Court
101 Barr Street
Lexington, KY 40507

The Honorable Danny C. Reeves
United States District Judge
US District Court
101 Barr Street
Lexington, KY 40507

Attorney General
Loretta E. Lynch
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable David L. Bunning
United States District Judge
US District Court
35 West 5th Street
Covington, KY 41011

The Honorable Gregory F. Van Tatenhove
United States District Judge
US District Court
313 John C. Watts Federal Building
330 West Broadway, Frankfort, KY 40601

By:


Samuel, House of Girod



Certificate of Analysis

Product/s: Two Ointments

Lot Number/s:
Assay Method: LC-QTOF/MS

Date of Sample: May 13, 2013

From: Mr. Chuck McFarland

Date of Report: May 29, 2013

Compound/s Analyzed: Pyrrolizidine Alkaloids (PAs)

ANALYTICAL DATA:

Product Name	Method	RESULT
CT737-Chickweed healing Salve Oint.	LC-QTOF/MS	ND
CT738-To-Mor-Gone Oint.	LC-QTOF/MS	ND
CT739- Fresh Leaves	LC-QTOF/MS	ND

ND = Not Detected

	LC-QTOF/MS (For PAs)
LOD	1 ng/mL

LOD = Limits of Detection
Analyzed & Prepared By: Dr. Bharathi Avula

Reviewed & Approved By:

Disclaimer of Warranties: The compound/extract or analysis is being supplied to the receiver for experimental use only and is provided "AS IS" with no warranties of any kind, express or implied, including any warranty of merchantability or fitness for a particular purpose. Company shall not directly or indirectly use the University name, or the name of any trustee, officer or employee thereof, without prior written consent.



Certificate of Analysis

#	Compound Name	RT	Formula	Mass	[M+H] ⁺	#CT738 TMG	#CT737- CWHS	#CT739-Fresh Leaves
1	Monocrotaline	5.96	C ₁₆ H ₂₃ NO ₆	325.1525	326.1604	ND	ND	ND
2	Intermedine	12.005	C ₁₅ H ₂₅ NO ₅	299.1733	300.1811	ND	ND	ND
3	Monocrotaline N-oxide	12.52	C ₁₆ H ₂₃ NO ₇	341.1475	342.1553	ND	ND	ND
4	Indicine	13.18	C ₁₅ H ₂₅ NO ₅	299.1733	300.1811	ND	ND	ND
5	Europine	13.83	C ₁₆ H ₂₇ NO ₆	329.1838	330.1917	ND	ND	ND
6	Lycopasamine	13.19	C ₁₅ H ₂₅ NO ₅	299.1733	300.1811	ND	ND	ND
7	Europine N-oxide	16.77	C ₁₆ H ₂₇ NO ₇	345.1788	346.1866	ND	ND	ND
8	Indicine N-Oxide	19.85	C ₁₅ H ₂₅ NO ₆	315.1682	316.1780	ND	ND	ND
9	Riddelline	20.59	C ₁₈ H ₂₃ NO ₆	349.1525	350.1604	ND	ND	ND
10	Junceine	21.47	C ₁₈ H ₂₇ NO ₇	369.1788	370.1866	ND	ND	ND
11	Riddelline N-Oxide	23.97	C ₁₈ H ₂₃ NO ₇	365.1475	366.1553	ND	ND	ND
12	Retrorsine	31.03	C ₁₈ H ₂₅ NO ₆	351.1682	352.1760	ND	ND	ND
13	Trichodesmine	30.14	C ₁₈ H ₂₇ NO ₆	353.1838	354.1917	ND	ND	ND
14	Heliotrine	32.56	C ₁₆ H ₂₇ NO ₅	313.1889	314.1967	ND	ND	ND
15	Retrorsine N-oxide	32.20	C ₁₈ H ₂₅ NO ₇	367.1631	368.1709	ND	ND	ND
16	Seneciphylline	33.81	C ₁₈ H ₂₃ NO ₅	333.1576	334.1654	ND	ND	ND
17	Heliotrine N-oxide	34.98	C ₁₆ H ₂₇ NO ₆	329.1838	330.1917	ND	ND	ND
18	Seneciphylline N-oxide	36.31	C ₁₈ H ₂₃ NO ₆	349.1525	350.1604	ND	ND	ND
19	Integerrimine	39.24	C ₁₈ H ₂₅ NO ₅	335.1733	336.1811	ND	ND	ND
20	Senecionine	40.17	C ₁₈ H ₂₅ NO ₅	335.1733	336.1811	ND	ND	ND
21	Senecionine N-oxide	41.96	C ₁₈ H ₂₅ NO ₆	351.1682	352.1760	ND	ND	ND
22	Echimidine	45.59	C ₂₀ H ₃₁ NO ₇	397.2101	398.2179	ND	ND	ND

EXHIBIT A - 2

PSI

PHYTOCHEMICAL SERVICES
INCORPORATED

Certificate of Analysis

A-2-A

#	Compound Name	RT	Formula	Mass	[M+H] ⁺	#CT738 TMG	#CT737- CWHS	#CT739-Fresh Leaves
1	Monocrotaline	5.96	C ₁₆ H ₂₃ NO ₆	325.1525	326.1604	ND	ND	ND
2	Intermedine	12.005	C ₁₅ H ₂₅ NO ₅	299.1733	300.1811	ND	ND	ND
3	Monocrotaline N-oxide	12.52	C ₁₆ H ₂₃ NO ₇	341.1475	342.1553	ND	ND	ND
4	Indicine	13.18	C ₁₅ H ₂₅ NO ₅	299.1733	300.1811	ND	ND	ND
5	Europine	13.83	C ₁₆ H ₂₇ NO ₆	329.1838	330.1917	ND	ND	ND
6	Lycopasamine	13.19	C ₁₅ H ₂₅ NO ₅	299.1733	300.1811	ND	ND	ND
7	Europine N-oxide	16.77	C ₁₆ H ₂₇ NO ₇	345.1788	346.1866	ND	ND	ND
8	Indicine N-Oxide	19.85	C ₁₅ H ₂₅ NO ₆	315.1682	316.1780	ND	ND	ND
9	Riddelline	20.59	C ₁₈ H ₂₃ NO ₆	349.1525	350.1604	ND	ND	ND
10	Junceine	21.47	C ₁₈ H ₂₇ NO ₇	369.1788	370.1866	ND	ND	ND
11	Riddelline N-Oxide	23.97	C ₁₈ H ₂₃ NO ₇	365.1475	366.1553	ND	ND	ND
12	Retrorsine	31.03	C ₁₈ H ₂₅ NO ₆	351.1682	352.1760	ND	ND	ND
13	Trichodesmine	30.14	C ₁₈ H ₂₇ NO ₆	353.1838	354.1917	ND	ND	ND
14	Heliotrine	32.56	C ₁₆ H ₂₇ NO ₅	313.1889	314.1967	ND	ND	ND
15	Retrorsine N-oxide	32.20	C ₁₈ H ₂₅ NO ₇	367.1631	368.1709	ND	ND	ND
16	Seneciphylline	33.81	C ₁₈ H ₂₃ NO ₅	333.1576	334.1654	ND	ND	ND
17	Heliotrine N-oxide	34.98	C ₁₆ H ₂₇ NO ₆	329.1838	330.1917	ND	ND	ND
18	Seneciphylline N-oxide	36.31	C ₁₈ H ₂₃ NO ₆	349.1525	350.1604	ND	ND	ND
19	Integerrimine	39.24	C ₁₈ H ₂₅ NO ₅	335.1733	336.1811	ND	ND	ND
20	Senecionine	40.17	C ₁₈ H ₂₅ NO ₅	335.1733	336.1811	ND	ND	ND
21	Senecionine N-oxide	41.96	C ₁₈ H ₂₅ NO ₆	351.1682	352.1760	ND	ND	ND
22	Echimidine	45.59	C ₂₀ H ₃₁ NO ₇	397.2101	398.2179	ND	ND	ND

PSI

PHYTOCHEMICAL SERVICES
INCORPORATED

Certificate of Analysis

23	Senkirkin	45.27	C ₁₉ H ₂₇ NO ₆	365.1838	366.1917	ND	ND	ND
24	Lasiocarpine	51.21	C ₂₁ H ₃₃ NO ₇	411.2257	412.2335	ND	ND	ND
25	Lasiocarpine N-oxide	53.35	C ₂₁ H ₃₃ NO ₈	427.2206	428.2284	ND	ND	ND

EXHIBIT A - 3



U.S. Food and Drug Administration, Forensic Chemistry Center
6751 Steger Drive, Cincinnati, Ohio 45237-3097
Telephone: (513) 679-2700 FAX: (513) 679-2761

Case/Sample Summary Report

Date: June 10, 2015

From: Merrie P. Jackson, Chemist, Organic Branch

Subject: Results of Analysis, OCI Case # 2014-OWK-713-0097, CIE Serial #182931,
IE Serial #14-0097-12792, IE Serial #14-0097-40443, IE Serial #14-0097-57335,
FACTS Samples #896926, 896974, 897841, 897406

To: Steven V. Lamp, Special Agent
Owensboro Domicile, OCI/FDA

Through:

Cheryl L. Flurer
Cheryl L. Flurer, Ph.D.
Director, Organic Branch

I. Description of Samples Received for Analysis

Evidence described in part under CIE Serial #182931, IE Serial #14-0097-12792, IE Serial #14-0097-40443, and IE Serial #14-0097-57335 was received on January 29, 2015 via UPS. CIE Serial #182931 consisted of one item. IE Serial #14-0097-12792 consisted of two items. IE Serial #14-0097-40443 consisted of five items. IE Serial #14-0097-57335 consisted of four items. See the following table for a description of the items received and analyzed.

CIE/IE # Item #	Product Amount	Labeled in Part	Product Description	Portion Analyzed
182931 Item 1	75 bottles	"Essential Oil Blend"	aromatic transparent, colorless liquid	7 bottles identified by analyst as Items "1-1" through "1-7"
14-0097-12792 Item 1	1 metal container	"ORIGINAL CHICKWEED"	aromatic yellow semi- solid	1 container
14-0097-12792 Item 2	21 metal containers	"ORIGINAL CHICKWEED"	aromatic yellow semi- solid	3 containers identified by analyst as Items "2-1" through "2-3"
14-0097-57335 Item 1	28 metal containers	"CHICKWEED HEALING SALVE"	27 aromatic yellow semi-solid & 1 aromatic white semi-solid	3 containers identified by analyst as Items "1-1" through "1-3"; Note: Item 1-2 was the white semi-solid
14-0097-57335 Item 2	20 metal containers	"CHICKWEED HEALING SALVE"	aromatic yellow semi- solid	3 containers identified by analyst as Items "2-1" through "2-3"
14-0097-57335 Item 3	32 metal containers	"TO-MOR-GONE"	brown semi-solid	3 containers identified by analyst as Items "3-1" through "3-3"
14-0097-57335 Item 4	18 bottles	"R.E.P."	aromatic transparent, colorless liquid	3 bottles identified by analyst as Items "4-1" through "4-3"
14-0097-40443 Item 1	1 metal container	"CHICKWEED HEALING SALVE"	aromatic yellow semi- solid	1 container
14-0097-40443 Item 2	1 metal container	"ORIGINAL CHICKWEED"	aromatic yellow semi- solid	1 container
14-0097-40443 Item 3	1 metal container	"TO-MOR-GONE"	brown semi-solid	1 container
14-0097-40443 Item 4	1 bottle	"Sine Eze"	aromatic transparent, colorless liquid	1 bottle
14-0097-40443 Item 5	1 metal container	"BURCHICKS SALVE"	aromatic yellow semi- solid	1 container



U.S. Food and Drug Administration, Forensic Chemistry Center
6751 Steger Drive, Cincinnati, Ohio 45237-3097
Telephone: (513) 679-2700 FAX: (513) 679-2761

Case/Sample Summary Report

II. Analytical Tests Performed on Samples

Per the Request for Laboratory Services, CIE Serial #182931 Item 1, IE Serial #14-0097-12792 Items 1-2, IE Serial #14-0097-40443 Items 1-5, and IE Serial #14-0097-57335 Items 1-4 were analyzed for content utilizing gas chromatography-mass spectrometry (GC-MS) and/or liquid chromatography-mass spectrometry (LC-MS).

III. Results and Conclusions

LC-MS

Sanguinarine and cheilerythrine were identified in IE Serial #14-0097-40443 Item 3 and IE Serial #14-0097-57335 Items 3-1, 3-2, 3-3 based on chromatographic retention time and mass spectral comparison to reference standards analyzed under identical conditions.

Sanguinarine and cheilerythrine are alkaloids known to be present in bloodroot¹. However, their presence is not definitive evidence for the presence of bloodroot in the present case².

GC-MS

Essential Oil Blend, R.E.P., Sine Eze

The portions analyzed from CIE 182931 Items 1-1 through 1-7, IE 14-0097-57335 Items 4-1 through 4-3, and IE 14-0097-40443 Item 4 were consistent with the presence of eucalyptol, camphor, menthone, menthol, caryophyllene, bornyl acetate, menthyl acetate, and menth-4(8)-en-3-one based on a mass spectral library match³. No standards were analyzed under these experimental conditions. No drugs or poisons were identified under these experimental conditions.

The chromatographic profiles of the Essential Oil Blend, the R.E.P., and the Sine Eze samples analyzed were consistent with each other.

Original Chickweed

The portions analyzed from IE 14-0097-12792 Items 1, 2-1 through 2-3, and IE 14-0097-40443 Item 2 were consistent with the presence of eucalyptol, linalool, camphor, menthone, menthol, linalyl acetate, caryophyllene, fatty alcohols, fatty acids, and squalene based on a mass spectral library match³. No standards were analyzed under these experimental conditions. No drugs or poisons were identified under these experimental conditions.

The chromatographic profiles of the Original Chickweed samples analyzed were consistent with each other.

Chickweed Healing Salve

The portions analyzed from IE 14-0097-57335 Items 1-1, 1-3, 2-1 through 2-3, and IE 14-0097-40443 Item 1 were consistent with the presence of eucalyptol, linalool, camphor, menthone, menthol, linalyl acetate, caryophyllene, fatty alcohols, fatty acids, and squalene based on a mass spectral library match³. No standards were analyzed under these experimental conditions. No drugs or poisons were identified under these experimental conditions.

The portions analyzed from IE 14-0097-57335 Item 1-2 were consistent with the presence of eucalyptol, linalool, linalool oxide, camphor, menthone, menthol, camphane, linalyl acetate, caryophyllene oxide, fatty alcohols, fatty acids, and squalene based on a mass spectral library match³. No standards were analyzed under these experimental conditions. No drugs or poisons were identified under these experimental conditions.

The chromatographic profiles of the Chickweed Healing Salve IE 14-0097-57335 Items 1-1, 1-3, 2-1, 2-2, 2-3 and IE 14-0097-40443 Item 1 were consistent with each other.

The chromatographic profiles of the Original Chickweed samples analyzed were similar to the chromatographic profiles of the Chickweed Healing Salve samples analyzed, except IE 14-0097-57335 Item 1-2. The levels of the components present were different and some of the fatty acid components present were different.

B-2



U.S. Food and Drug Administration, Forensic Chemistry Center
6751 Steger Drive, Cincinnati, Ohio 45237-3097
Telephone: (513) 679-2700 FAX: (513) 679-2761

Case/Sample Summary Report

TO-MOR-GONE

The portions analyzed from IE 14-0097-57335 Items 3-1 through 3-3 and IE 14-0097-40443 Item 3 were consistent with the presence of citronellol, citronellyl formate, methanoazulene, muurolene, thujopsene, Widdrol, Cedrol, fatty alcohols, fatty acids, squalene, and vitamin E based on a mass spectral library match¹. No standards were analyzed under these experimental conditions. No drugs or poisons were identified under these experimental conditions.


The chromatographic profiles of the TO-MOR-GONE samples analyzed were consistent with each other.

Burchicks Salve

The portions analyzed from IE 14-0097-40443 Item 5 were consistent with the presence of a fatty alcohol, fatty acids, and squalene based on a mass spectral library match³. No standards were analyzed under these experimental conditions. No drugs or poisons were identified under these experimental conditions.

IV. Sample Retention/Disposition/Feedback Information

The evidence described above will be retained by the Forensic Chemistry Center pending instructions from your office for disposition. If you have any questions, concerns or a need for additional information, please do not hesitate to contact me at (513) 679-2700 Ext 2201, or Dr. Thomas W. Brueggemeyer at (513) 679-2700 Ext 2186.


Merrie P. Jackson

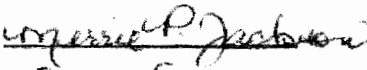

¹ The Merck Index Online, 2013. Merck & Co., Inc., Whitehouse Station, NJ.

² Bloodroot: The Lawrence Review of Natural Products Issue Date of July 1992.


³ Wiley 7th & 8th Editions and the Designer Drug 2010 mass spectral libraries

Section Authors Concurrences

Sections 1, 669 Merrie P. Jackson

Section 735 Enrique Yanes-Santos, Ph.D.


Jennifer Brzezinski, Ph.D.
Reviewer

UNITED STATES DISTRICT COURT

for the

Eastern District of Kentucky

Eastern District of Kentucky
FILED

NOV - 2 2016

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

United States of America

v.

Samuel A. Girod

Defendant

Case No. 5:15-CR-87-DCR-REW-1

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: United States Courthouse as directed by Scheduling Order.

Place

on _____

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

The supervision address for Defendant will be that stated in the PSR.
 Defendant may not move or relocate without prior USPO approval.
 Defendant shall maintain full compliance with any applicable state bond or
 other court restrictions, to include any applicable federal injunction.

Defendant shall follow the directions and instructions of the USPO in implementing the supervision established by this Order, to include meeting times, obligations, locations and other administrative details of supervision.

C

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- () (7) The defendant must:

- () (a) submit to supervision by and report for supervision to the United States Probation Office
telephone number (859) 233-2646, no later than 11/02/2015

- () (b) continue or actively seek employment.

- () (c) continue or start an education program.

- (X) (d) surrender any passport to: USPO

- (X) (e) not obtain a passport or other international travel document.

- (X) (f) abide by the following restrictions on personal association, residence, or travel: No travel outside E.D. Ky. without advance USPO approval and permission.

- (X) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: No contact with any known government witness. No discussions about case subject matter (witnesses, claims, defenses) except with counsel present.

- () (h) get medical or psychiatric treatment: At _____

- () (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

- () (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- (X) (k) not possess a firearm, destructive device, or other weapon.

- () (l) not use alcohol () at all () excessively.

- () (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- () (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- () (p) participate in one of the following location restriction programs and comply with its requirements as directed.

- () (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

- () (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

- () (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- () (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

- () You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- (X) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- () (s) _____

C-1

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

X 

Defendant's Signature

City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
- (☐) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 11/2/2015



Judicial Officer's Signature

Hon. Robert E. Wier, United States Magistrate Judge

Printed name and title

C-2