



WHERE DO WE GO FROM HERE?

Federal Statute

Title 18 U.S.C. § 1521 establishes a criminal offense for filing, attempting to file, or conspiring to file, a false lien or encumbrance against the real or personal property of a Federal Judge, a Federal law enforcement officer, or any other officer or employee of the United States or of any agency in any branch of the United States Government

The offense is punishable by up to 10 years imprisonment and a \$250,000 fine.

The statute was enacted in response to the increased filing of such liens, which had become a popular harassment tactic among Federal prisoners and other disaffected litigants.

Member of Montana Freeman militia first to be sentenced under federal anti-retaliation law

April 8, 2010

MINNEAPOLIS – United States Attorney for the District of Minnesota, announced today that **one of the original founders of the Montana Freeman**, a militia group that rejects the authority of the federal government, has been sentenced in federal court in Minnesota for retaliating against three federal judges. Earlier this afternoon in St. Paul, U.S. District Court Judge Donovan Frank sentenced **Daniel E. Petersen**, age **67**, presently incarcerated at the Minnesota Correctional Facility in Oak Park Heights, Minnesota, to **90 months in prison** on six counts of filing a false lien or encumbrance against a federal judge.

Petersen was prosecuted under a 2008 federal anti-retaliation law that makes it a felony to retaliate against any government officer by filing false liens against him or her. The case, brought under 18 U.S.C. 1521, was the first prosecution of its kind nationwide.

Petersen was indicted on April 8, 2009, and was convicted by a trial jury on October 22, 2009.

FEDERAL INMATE SENTENCED TO 12 YEARS FOR FILING FALSE LIEN IN EASTERN DISTRICT OF TEXAS

BEAUMONT, TX – **ROBERT DANIEL DAVIS** a 54-year-old inmate at the Beaumont Federal Prison has been sentenced to **144 months in federal prison** for filing a false lien in the Eastern District of Texas.

According to information presented in court, while imprisoned at the Federal Correctional Complex in Beaumont, Davis created and forged groundless Uniform Commercial Code (UCC) financing statements in the amount of \$500 million against U.S. District Judge Sim Lake and Assistant U.S. Attorney Glen Cook . Judge Lake and AUSA Cook were involved in Davis' previous federal drug conviction in the Southern District of Texas which led to his incarceration in Beaumont.

Davis told investigators he filed the fraudulent lien against Judge Lake because the Judge allowed the prosecuting attorney, AUSA Cook, to perjure himself during his trial and did nothing about it. Davis stated he filed the fraudulent lien against AUSA Cook because Cook lied about the amount of drugs Davis was being prosecuted for. Davis plead guilty to those drug charges!

ANTI-GOVERNMENT “SOVEREIGN CITIZEN” SENTENCED TO 63 MONTHS FOR FALSE LIEN FILINGS AND MAIL FRAUD AGAINST FEDERAL AND STATE OFFICERS

Tuesday, July 20, 2010

Grand Rapids, Michigan - Larry William Wilcox, Sr., 61, of Imlay City, Michigan convicted in a March trial of retaliating against a Federal judge by false lien filing and mail fraud. Chief U.S. District Judge Paul L. Maloney sentenced **Wilcox** to serve a total of **63 months in the Federal Bureau of Prisons**, followed by three years of supervised release. He was also ordered to pay a **\$25,000 fine**.

False Liens Filed Against Federal Judges Land Inmate 20 More Years

September 24, 2007

Coryell County, Texas

Mycal Antoine Poole was already serving a **60-year state prison sentence**, but now he'll serve an **extra 20 years** for filing fraudulent liens totaling millions of dollars against two federal judges. U.S. District Judge Sam Sparks says Poole filed three liens for more than \$4.1 million against him with the Texas Secretary of State's Office. U.S. Magistrate Judge Andrew Austin says Poole filed one lien against him for \$37 million.

18 USC 1521 also covers state and local officers who work with federal task forces.

We need a state statute to protect
our law enforcement officers,
judges, prosecutors and their
employees.

New Statute

- A new statute has been introduced into the legislature. It is sponsored by Senators Wagner and Ward and Representative Johnston.

Proposed Alabama Statute

Section 1. (a) A person commits the crime of filing a false lien against a governmental officer or employee if he or she 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 any officer or employee of the state or an officer or employee of a political subdivision of the state, knowing or having reason to know that the lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation.

(b) Class C Felony.

What do we do in the mean time?

We recognize that all individuals have 1st Amendment rights that allow them to believe what ever they choose and to say what ever they wish within certain limits. Our goal is to deter conduct intended to intimidate law enforcement officers from performing their duty.

Suggestions

- Recommend that you get with your local prosecutor and talk with him/her about how your officers should respond to various scenarios.
- Find out what they will and won't prosecute.
- Educate your officers.
- To that end we have some suggestions.

Safety First

Officers who come into contact with the public during exercise of their duties should be aware of **indicators** that they are dealing with a follower of the Sovereign Citizen philosophy.

- A. The officer should not become distracted by dialog with the citizen.
- B. Be aware of passengers and where they are.
- C. Be alert for weapons.
- D. They should call for back-up.
- E. Ask for consent to search the vehicle.

Sovereign Citizen Tag

If the automobile has a Sovereign Citizen Tag instead of a lawfully issued vehicle tag, then the officer should consider taking the following actions:

- A. Write the operator a citation
- B. Seize the tag (as evidence of a crime)
- C. If the operator can not produce a valid driver's license then write a citation/arrest them.
- D. Impound the vehicle. Give any passengers a ride to a pay phone and be sure they can call someone for ride.
- E. Possible felony charge: Possession of a Forged Instrument.

No ID or Sovereign Citizen ID

If the driver of a car produces a Sovereign Citizen ID or is unable to produce a valid driver's license, then the officer should consider the following actions:

- A. Write a citation
- B. Arrest the operator for operating a vehicle without a proper license.
- C. Seize the Sovereign Citizen ID as evidence of a crime

Sovereign Citizen Badge

If the individual shows a Sovereign Citizen badge in an attempt to infer that he is a law enforcement officer, then the officer should:

- A. Ask the individual about the badge and let them talk.
- B. Give them the opportunity to explain why they have the badge, what rights it conveys (arrest authority?), who issued the badge, what they had to do to get the badge, and does possessing the badge require them to report to someone (a SC judge?).
- C. If the individual represents themselves to be a sworn law enforcement officer then the officer should consider taking the following actions:
 - a. Arrest the individual for impersonating a law enforcement officer.
 - b. Seize the badge.

Sovereign Citizen Truth Affidavit

If a law enforcement officer, judge, or DA receives a “Truth Affidavit” which threatens to place a lien against any of the officer, judge or DA’s property, or any other threat, then the officer should:

- A. Consider seeking a warrant for the sender’s arrest on a charge of Intimidating a Witness.

Sovereign Citizen Lien

Should a lien be fielded against a law enforcement officer, judge, or DA then a warrant for Criminal Tampering may be sought.

Pending test case in Jefferson County.

Taxes

The motive for many people to join the Sovereign Citizen movement is economic. These people are looking for ways to avoid paying their mortgages or other debts. Those people are also likely to avoid paying income tax, by failing to file a return or evading taxes through some other scheme.

Alert Alabama Dept. of Revenue or IRS when you learn of possible tax avoidance.

We also need a statute which will allow a county clerk to delay recording a suspicious lien pending a review by the county or district attorney.

Texas State Statute SB 1589.

It is a good idea to check your credit report periodically. You can obtain a free copy of your credit report from www.annualcreditreport.com.

If you believe a fraudulent retailitory lien has been filed, then you should ask your local DA or agency attorney to review the document.

Communication/Information Sharing

We need a central location that will let law enforcement see a big picture of what's going on state wide with these groups.

The consensus is to use **LETTS/ALACOP** as a central repository for information about Sovereign Citizens.