

Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

IN THE 36th JUDICIAL CIRCUIT COURT OF RIPLEY COUNTY,
STATE OF MISSOURI

FILED

STATE OF MISSOURI,
Plaintiff,

v.

SARA RICE MCFALL,
Defendant.

NOV 12 2024

Cause Nos.: 24RI-CR00308-1 &
21RI-CR00579-01

RUTH AUSTIN
CIRCUIT CLERK
RIPLEY COUNTY, MISSOURI

Division II (Criminal Division)

AFFIDAVIT OF FACTS AND DEMAND FOR ACCOUNTABILITY BY THE STATE OF MISSOURI

Affiant: Sara Rice McFall

Incarcerated at:

RIPLEY COUNTY DETENTION CENTER (See attached Exhibit 1)
301 LAFAYETTE ST., DONIPHAN MO 63935

November 4, 2024

Statement of Facts:

1. Denial of Defendant's Right to Self-Representation and Document Filing:

On November 4, 2024, I, Sara Rice McFall, in shackles, attempted to file court documents that included documents on October 29, 2024 that were also refused, for Case Nos. 24RI-CR00308, 24RI-CR00308-1, 21RI-CR00579, and 21RI-CR00579-01. My purpose was to formally discharge my appointed Public Defender, Jordan Michael Cantoni, from the 36th Judicial Circuit Public Defender's Office (Public Defender's Office, 2323 North Main St, Poplar Bluff, MO 63901), and assert my constitutional right to self-representation. The practice of Law CAN NOT be licensed by any state/State. (Schware v. Board of Examiners, 353 U.S. 238, 239) The practice of Law is AN OCCUPATION OF COMMON RIGHT (Sims v. Aherns, 271 5.W. 720 (1925))

2. Judge's Obstruction of Defendant's Rights in Open Court:

Judge Kacey Lee Proctor, presiding over the case, refused to allow me to file my documents or discharge my appointed attorney. Instead, Judge Proctor instructed that I "wait and let [my] new attorney fire the Public Defender and file the documents." This obstruction is a direct violation of my right to self-representation and infringes upon due process as guaranteed by the U.S. and Missouri Constitutions.

3. Violation of Constitutional Rights to Due Process and Self-Representation:

According to Missouri Constitution, Art. I, Sec. 10, "no person shall be deprived of life, liberty, or property without due process of law." The refusal to allow me to exercise my right to represent myself and manage my own defense denies me the fair process due to me under both state and federal law.

4. Conflict of Interest in Representation:

Public Defender Jordan Michael Cantoni previously represented my twin sister, Megan McFall, in related cases (Nos. 24RI-CR00308, 24RI-CR00308-1, 21RI-CR00579, and 21RI-CR00579-01), raising a significant conflict of interest under RSMo Section 600.042. Appointed counsel must operate without conflicts of interest that could jeopardize fair representation. The lack of

immediate corrective action in my case calls into question the integrity of the representation provided.

5. Lack of Accountability for Judicial Misconduct:

Missouri law and the U.S. Constitution protect against arbitrary judicial decisions that infringe upon due process and constitutional rights (See U.S. Const. Amendments VI, XIV). The actions of Judge Proctor, in denying my right to self-representation, warrant investigation under federal criminal statutes that protect citizens from deprivation of rights under color of law (18 U.S.C. § 242).

6. Criminal Complaint and Violation of Civil Rights:

Pursuant to 18 U.S.C. § 241, any person who conspires to "injure, oppress, threaten, or intimidate" in violation of constitutional rights is subject to federal prosecution. The denial of my rights in open court and the hindrance to file my own defense documents demonstrate a clear disregard for these protections and constitute grounds for a criminal complaint against those obstructing my constitutional rights.

7. Unconstitutional Demand for Payment in Unbacked Federal Reserve Notes aka "CASH" and Immediate Grounds for Release:

Furthermore, the STATE OF MISSOURI's reliance on Federal Reserve Notes (FRNs) as 'cash' for fines, bail, bonds, fees, or any alleged debt obligations in Cases 24RI-CR00308, 24RI-CR00308-1, 21RI-CR00579, and 21RI-CR00579-01 is fundamentally flawed and constitutionally impermissible. Under Article I, Section 10 of the United States Constitution, 'No State shall... make any Thing but gold and silver Coin a Tender in Payment of Debts.' FEDERAL RESERVE NOTES, as defined in 18 U.S.C. § 8, constitute debt obligations and lack the status of lawful money. Since FRNs are classified as private credit instruments rather than legal tender, their enforcement constitutes an unlawful extension of credit by coercive means, akin to the prohibition described in 18 U.S.C. § 894. This code explicitly criminalizes the collection of debt through extortionate means. By imposing bail and fines in a form of 'currency' not recognized as lawful money, the STATE OF MISSOURI is acting outside its constitutional authority and effectively attempting to enforce debt peonage, thereby mandating my immediate release and dismissal of all charges against me.

Relief Requested:

1. Immediate Action and Investigation by the State of Missouri:

I, the undersigned Affiant, respectfully demand that the State of Missouri allow me to exercise my constitutional right to self-representation, file documents independently, and proceed without Public Defender representation. I also call for an impartial investigation into the handling of my case, particularly the conduct of JUDGE KACEY LEE PROCTOR, and the Public Defender JORDAN MICHAEL CANTONI to ensure adherence to both Missouri and federal law.

2. Recognition and Validation of Filed Documents:

I request that all documents I attempted to file on November 4, 2024, be recognized and treated as valid submissions to the court records for Case Nos. 24RI-CR00308, 24RI-CR00308-1, 21RI-

CR00579, and 21RI-CR00579-01, as these documents were unlawfully refused by the presiding judge.

3. Accountability for Violations of Constitutional Rights:

I request an investigation into the actions of all parties involved in denying my constitutional rights including, but not limited to October 29, 2024 and November 4, 2024, with accountability enforced as required by law, and for all relevant authorities to recognize that these actions may constitute a criminal violation under 18 U.S.C. §§ 241 and 242.

Affirmation:

I, Sara Rice McFall, affirm under penalty of perjury that the facts stated in this affidavit are true and correct to the best of my knowledge.

Statement of Facts:

Refusal to Allow Defendant's Self-Representation Between Counsel and Document Filings:

On November 4, 2024, the Defendant, Sara Rice McFall, in shackles, attempted to file several court documents into Case Nos. 24RI-CR00308, 24RI-CR00308-1 and 21RI-CR00579, 21RI-CR00579-01 and requesting formally to JUDGE CASEY LEE PROCTOR discharging her court-appointed Public Defender, JORDAN MICHAEL CANTONI, of the 36th Judicial Circuit Public Defender's Office (Public Defender's Office, 2323 North Main St, Poplar Bluff, MO 63901).

Judge's Denial of Defendant's Rights in Open Court:

JUDGE KACEY LEE PROCTOR presiding over the matter, openly refused Defendant Sara Rice McFall's request to file her documents and discharge her appointed counsel, instructing instead to "wait and let your new attorney fire your Public Defender and file your documents." This refusal violates her right to self-representation and her due process rights under Missouri and U.S. constitutional law.

Witness to Court Proceedings:

These events were witnessed and documented by Notary Lisa Kay Ball (Notary Address: 710 E Pine Street, Poplar Bluff, MO 63935), who will attest as a witness to the accuracy of this account of the courtroom proceedings.

Legal Basis and Violations Cited:

Right to Self-Representation (Missouri and U.S. Constitutions):

Missouri courts are required to uphold a defendant's constitutional right to self-representation under the Sixth Amendment of the U.S. Constitution, as well as under Missouri law. The refusal to allow the Defendant to discharge her attorney and represent herself violates this fundamental right.

Due Process (Missouri Constitution, Art. I, Bill of Rights, Sec. 10, Due process of law):

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The actions of Judge Kacey Lee Proctor infringe upon the Defendant's due process rights by denying her the ability to manage her defense and file motions independently. Missouri Constitution, Art. I, Sec. 10 guarantees that "no person shall be deprived of life, liberty, or property without due process of law."

Conflict of Interest (RSMo Section 600.042):

It is alleged in the filings that were denied by Judge Proctor on November 4th 2024 in open court that the refusal to allow the Defendant to discharge her Public Defender raises issues of conflict, as the Public Defender, JORDAN MICHAEL CANTONI, previously represented Defendant's twin sister, Megan McFall, in a related cases 24RI-CR00308, 24RI-CR00308-1, 21RI-CR00579, and 21RI-CR00579-01. Under RSMo Section 600.042, appointed counsel shall act without conflicts of interest that compromise the defendant's representation.

Statutory Requirement for Notary and Witness Authentication:

This affidavit by Sara Rice McFall© has been notarized by Lisa Kay Ball, in compliance with state requirements, to authenticate the stated events and ensure the preservation of Defendant's rights to have her account of the court proceedings documented.

Relief Requested:

Immediate Action by the STATE OF MISSOURI, as Plaintiff, to Investigate Itself (which is a Conflict of Interest in of itself):

I, the undersigned Affiant, Sara Rice McFall©, respectfully demand that the State of Missouri investigate itself, which would be another conflict of interest, to ensure compliance with statutory and constitutional requirements by allowing the Defendant to discharge her appointed Public Defender and exercise her right to self-representation.

Recognition of All Filed Documents as Valid:

The State of Missouri is requested to recognize all documents attempted to be filed by the Defendant on November 4, 2024, as valid submissions to the court records into Case Numbers 24RI-CR00308, 24RI-CR00308-1, 21RI-CR00579, and 21RI-CR00579-01.

Investigation into Judicial Conduct:

I request that an investigation be conducted into the actions of JUDGE KACEY LEE PROCTOR for alleged misconduct in refusing the Defendant's right to self-representation, to fire my court appointed attorney and to file documents into Case Numbers 24RI-CR00308, 24RI-CR00308-1, 21RI-CR00579, and 21RI-CR00579-01 with accountability measures as required by law.

Affirmation:

I, Sara Rice McFall, swear under penalty of perjury that the facts stated in this affidavit are true and correct to the best of my knowledge.

Sara Rice McFall

Date: November 4, 2024

Jurat Witness

Missouri State)

) ss.

Ripley County)

The foregoing document was acknowledged and affirmed for its stated purpose and autograph affixed by Sara Rice McFall©, a living woman, affirmed and known to me, on this 4th day of November 2024.

Lisa Kay Ball
NOTARY PUBLIC

My Commission Expires: 07/24/2026 SEAL



LEGAL NOTICE

The Certifying Notary is an independent contractor and not a party to this claim. In fact, the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART 1, CHAPTER 73, SEC. 1512, *Tampering with a witness, victim or an informant*. The Certifying Notary also performs the functions of a quasi-Postal Inspector. Under the Homeland Security Act, by being compelled to report any violation U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under the Color of Law is a violation of Title 18, U.S. Code, § 242, titled "Deprivation RIGHTS under Color of law," which primarily governs policy misconduct investigations. The statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America those rights protected by the Constitution or U.S. laws.

NO RECORD

STATE OF MISSOURI



EXHIBIT 1

John R. Ashcroft
Secretary of State

CORPORATION DIVISION CERTIFICATE OF NO RECORD

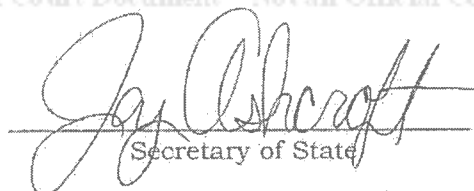
I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that there are no records in my office and in my care and custody as the Secretary of State which show that

**RIPLEY COUNTY DETENTION CENTER
301 LAFAYETTE ST., DONIPHAN, MO 63935**

is not, nor has ever been registered as a Foreign or Domestic Corporation, Foreign or Domestic Limited Partnership, Foreign or Domestic Limited Liability Company, Foreign or Domestic Limited Liability Partnership, Foreign or Domestic Limited Liability Partnership, under the Fictitious Name Act, or any other business entity required by law to file with the Secretary of State.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 21st day of October, 2024.




Secretary of State

Certification Number: CERT-10212024-0111