

ORIGINAL

In The  
Supreme Court of Ohio

17-0480

Brandon N Profit

Defendant or Appellant

) Court of appeal No: 104236

) Municipal Court NO:15TRD07248

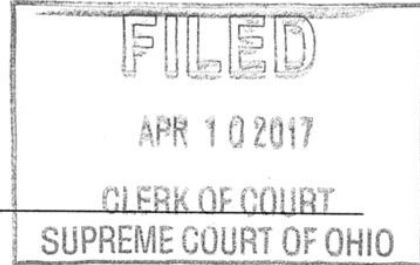
Brandon Profit El Bey, Authorized Rep.,  
Lawful man, creditor, injured third party  
intervener

-vs-

City of Shaker Heights

Plaintiff

) MEMORANDUM IN SUPPORT  
) OF JURISDICTION  
)  
)  
)



Appeal from a judgement

of The Court of Appeals of Ohio Eighth District

County of Cuyahoga

Judges; E.A. Gallagher, J., Keough, A.J., and S. Gallagher, J.

APPELANTS-- MEMORANDUM IN SUPPORT OF JURISDICTION

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Chief Prosecutor  
City of Shaker Heights  
3400 Lee Road  
Shaker Heights, Ohio Republic 44120  
(216) 491-1440

Brandon N. Profit El Bey  
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**Apellant Self Represented  
Propria Persona Suis Juris**

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## PROPORTIONS OF LAW

### CASES

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State v. Matthews, 2d Dist. Greene No. 2015-CA-73, 2016-Ohio-5055  
Friend v. Schatzman, M.D.N.C. No. 1:15CV231, 2015 U.S. Dist.  
Mt. Vernon v. Young, 5th Dist. Knox No. 2005CA45, 2006-Ohio-3319  
State v. Parker, 68 Ohio St.3d 283, 285, 626 N.E.2d 106 (1994)  
State v. Mbodji, 129 Ohio St.3d 325, 2011-Ohio-2880, 951 N.E.2d 1025  
St. Paris v. Galluzzo, 2d Dist. Champaign No. 2014-CA-4, 2014-Ohio-3260  
Dayton v. Galluzzo, 2d Dist. Montgomery No. 25913, 2014-Ohio-4854,  
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Mt. Vernon v. Young, 2006-Ohio-3319

### STATUTES, CODES

R.C. 2901.11(A)(1)

R.C. 1901.02

R.C. 1901.20(A)(1)

Shaker Heights Ordinances 1135.09

## BASIS FOR APPEAL

### CONSTITUTIONAL QUESTIONS

- 1) Does the Shaker Heights Municipal Court or the Court of Appeals of Ohio have jurisdiction to hear my case or make a judgement or ruling on my case? According to Article III Section 1 and Section 2 of the U.S. Constitution, they do not unless delegated or ordained from the congress.

“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office”.

“The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and *Treaties* made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;— between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed”.

- 2) Are Treaties the Supreme Law of the Land? According to Article VI of The Constitution, Yes they are.

“All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all *Treaties* made, or which shall be made, under the Authority of the United States, *shall be the supreme Law of the Land*; and the Judges in every State

shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States”.

## BODY

### STATEMENT OF THE CASE

The City of Shaker Heights filed a complaint in November 2015 against I Brandon Profit El Bey alleging that I was driving without proper display of License plates. The complaint alleged that I injured an artificial corporation (State of Ohio) and was driving thought their corporation (State of Ohio) even though I stated to the Police (private Security) agent that I did not have a Driver’s License (contract with the DMV or State of Ohio) and that I was exempt under title 18. I then proceeded to hand the Police agent my Nationality/Right to Travel Identification Card. The private security agent proceeded to give me the suit anyway. I then told the private security agent that I was going to sue him for giving me the suit and he responded by saying that’s fine, I would still have to go to court.

After the civil trial on the matter on February 2016, The court found that I Brandon Profit El Bey had committed a crime by driving with no State of Ohio Plates on my car. The court entered a judgement in favor of the City of Shaker Heights in the amount of \$375.00.

## STATEMENT OF FACTS

I AM Brandon Profit El Bey, a Non Combatant, Non-Military, Non-Corporate/Commercial; explicitly distinguished from BRANDON N PROFIT (STRAW MAN or TRADE NAME) IN ALL 'CAPS' (ANY AND ALL DERIVATIVES AND DARIVATIONS), a (fictitious) artificial – corporate entities Jus Postliminii, ALL RIGHTS RESTORED AND RESERVED.

I AM Brandon Profit El Bey an United Washitaw de Dugdahmoundyah Mu'ur National, an Original inhabitant of the Americas and a Freehold inheritance , under the auspices of the great Highness, Empress Verdiacee “Tiara” Washitaw (Washington) Tunica (Turner) Goston El Bey and Her great “Crown Prince” Ramisis Abel Bey (later known as “Hutan Tu'pak Bey”).

In 1996 Washitaw de Dugdahmoundyah was recognized as the “Oldest Indigenous People in the World,” a sovereign Independent State by the United Nations. The United Nations has assigned us the Indigenous Peoples Project No. 215/93. Therefore, as a National of my Tribal-Nation, United Washitaw de Dugdahmoundyah Mu'urs, we as indigenous people have our own traditional culture and laws, which correlates to many of the laws of the (4) constitutions Articles of Association, Declaration of Independence, Articles of Confederation, and the Constitution for the United States of America Article III and Article VI.

I Brandon Profit El Bey am neither a U.S. Citizen nor 14th Amendment citizen. I Brandon Profit El Bey have no valid contract with the State of Ohio or the United States that gives anyone jurisdiction above me. I Brandon Profit El Bey do not have nor need a Driver's License because I am not a driver, I am a traveler. Judge K.J. Montgomery even stated in the trial that I do not need a Driver's License in the State of Ohio. The Display of State of Ohio License Plates is not mandatory in my

own Nation, we have our own Indigenous Traveling Plates. My own Washitaw Nation plates were on my car at the time of the incident. The Private Security Agent saw my plates and proceeded to issue me a ticket/suit despite my Right to Travel Identification Card and Private Indigenous Plates.

## ARGUMENTS OF CONTENTION

### STATUS

I Brandon Profit El Bey am a Natural Person (Moorish American) and not a Corporation thus I Brandon Profit El Bey am not subject to the de facto Colorable law jurisdiction of the United States of America Corporation.

Firstly, according to the Constitution for the United Sates Article VI (1789), Treaties are the Supreme Law of the Land. Therefore; my status as a Washitaw Moor is supported by article VI of the Constitution due to the fact that I have many prior contracts and engagements entered into before the adoption of the Constitution in alliance with the United States.

Secondly, These contracts are; Treaty of Peace and Friendship with Morocco 1787, Treaty of Choctaw 1786, Treaty with the Comanche and Witchetaw (Washitaw) bands 1835 and Treaty of Greenville 1795.

### THE TREATY OF PEACE AND FRIENDSHIP OF 1836 A.D.

Between Morocco and the United States

#### Article 20

“If any of the Citizens of the United States, or any Persons under their Protection, shall have any disputes with each other, the Consul shall decide between the Parties, and whenever the Consul shall require any Aid or Assistance from our Government, to enforce his decisions, it shall be immediately granted to him.”

Article 21

“If any Citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a Citizen of the United States, the Law of the Country shall take place, and equal Justice shall be rendered, the Consul assisting at the Trial; and if any Delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.”

TREATY WITH THE CHOCTAW 1786

*“The Commissioners Plenipotentiary of the United States of America give peace to all of the Choctaw Nation, and receive them into the favor and protection of the United States of America, on the following conditions”,*

Article 2

The Commissioners Plenipotentiary of all the Choctaw nation, do hereby acknowledge the tribes and towns of the said nation, and the lands within the boundary allotted to the said Indians to live and hunt on, as mentioned in the third article, to be under the protection of the United States of America, and of no other sovereign whosoever.

Article 9

Until the pleasure of congress be known, respecting the eighth article, all traders, citizens of the United States of America, shall have liberty to go to any of the tribes or towns of the Choctaws, to trade with them, and they shall be protected in their persons and property and kindly treated.

TREATY WITH THE COMANCHE AND WITCHETAW INDIANS

AND THEIR ASSOCIATED BRANDS 1835

Article 1



There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the Comanche and Witchetaw nations and their associated bands of tribes of Indians, and between these nations of tribes and the Cherokee, Muscogee, Choctaw, Oasage, Seneca and Quapaw nations of tribes of Indians.

#### Article 4

It is understood and agreed by all the nations of tribes of Indian parties to this treaty, that each and all of the said nations or tribes have free permission to hunt and trap in the great Prairie west of the Cross Timber, to the western limits of the United States.

#### Article 7

Should any difficulty hereafter unfortunately arise between any of the nations of tribes of parties hereunto, in consequence of murder, the stealing of horses, cattle, or other cause, it is agreed that the other tribes shall interpose their good offices to remove such difficulties, and also that the Government of the United States may take such measures as they deem proper to effect the same object, and see that full justice is done to the injured party.

#### Article 10

This treaty shall be obligatory on the nations or tribes parties hereto from and after the date hereof, and on the United States from and after its ratification by the Government thereof.

### TREATY OF GREENVILLE 1795

#### Article 4

In the consideration of the peace now established, and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberty of the United States, as the great means of rendering this peace strong and perpetual, the United States relinquish their claims to all other Indian Lands Northward of the river Ohio, eastward of the

Mississippi, and Westward and Southward of the Great Lakes and the Waters, uniting them, according to the boundary line agreed on by the United States and the King of Great Britain, in the treaty of peace made between them in the year 1783.

#### Article 5

“To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: the Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon, so as long as they please, without any molestation from the United States; but when those tribes or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and no other power whatsoever.

#### Article 7

“The Said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the territory and lands which they have now ceded to the United States, without hindrance or molestation, so as long as they demean themselves peaceably, and offer no injury to the people of the United States”.

Thirdly, Also according to the Constitution Amendment 13 Section 12, it states that

“The traffic in slaves with Africa is hereby forever prohibited on pain of death and the forfeiture of all rights and property of persons engaged therein; and the descendants of Africans shall not be citizens” (Journal of the Senate April 8, 1864).

Therefore; as a Washitaw Moor, I cannot be a citizen of the United States of America Corporation Company. The statutes, codes, ordinances and policy of the foreign private corporation that regulate commerce in America/Morocco does not apply to Moors.

Also, according to the Constitution Article VI, US Code Section 3331, Ohio RC Section 3.23 and Shaker Heights codified ordinances Section VII-5; all U.S. Federal and military officers have an oath of office to support and uphold the Constitution. It States

“ I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God”.

Due to the fact that all U.S. Federal, military and state officials have an oath to uphold the Constitution, they should be aware of their treaty obligations when presented to them. As a Washitaw Moor National, the (color of law) statutes codes and ordinances created by the corporate states after the creation of the Constitution and Treaties does not supersede the Constitution and Treaties. The only law that applies to Washitaw Moors is specifically explained in the Constitution and the Treaties. Any law or public policy that is not described within the Constitution and Treaties does not apply to the parties within the Constitution and Treaties.

#### JURISDICTION AND VENUE

As far as jurisdiction and venue in concerned with Moorish Americans, jurisdiction of the United States is specifically explained in the United States of America Code of the Laws of a general and permanent charter Title 22 Section 141-143 in force January 3, 1935 in the 1934 edition. It states that

“Title 22: Chapter 2: Section 141

Title 22: Foreign relations and Intercourse page 954

Chapter 2: Consular Courts

Section 141: Judicial authority generally. To carry into full effect the provisions of the treaties of the United States with certain foreign countries. The ministers and consuls of the United States in China, Siam, Turkey, Morocco, Muscat, Abyssinia, Persia, and the territories formerly a part of the former Ottoman Empire including Egypt. Duly appointed to reside therein, shall, in addition to other powers and duties imposed upon them. Respectively, by the provisions of such treaties, respectively, be invested with judicial authority described in this chapter, which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty, and in accordance with the usages of the countries in their intercourse with the Francs or other foreign Christian Nations. (R.S. § 4083.4125.4126.4127...)

United States court for China see chapter 3 of this title.

2) Title 22 Chapter 2 Section 142

General Jurisdiction in criminal cases.

The officers mentioned in section 141 of this title are fully empowered to arraign and try, in the manner provided for in this chapter, all citizens of the United States charged with offences against the law, committed in such countries, respectively, and to sentence such offenders in the manner in this chapter authorized; and each of them is authorized to issue such processes as are suitable and necessary to carry this authority into execution. (R.S. § 4084.)

3) Title 22 Chapter 2 Section 143

General jurisdiction in civil cases.

Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or persons; and they shall entertain jurisdiction in matters of contract, at the port where, or nearest to which, it was to be executed, and in all other matters, at the port where, or nearest to which the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by consuls. Such jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively. (R.S. § 4085.) (Consular Courts)

4) An Act on Aug. 1, 1956, repealed sections 141 to 143 effective upon the date which the President determined to be appropriate for the relinquishment of jurisdiction of the United States in Morocco. Jurisdiction of the United States in Morocco was relinquished by memorandum of President Eisenhower dated Sept. 15, 1956. Notice was given to Morocco on Oct. 6, 1956, and all pending cases were disposed of by 1960.

Considering the fact that 22 USC Section 141-143 were repealed in 1956, The United States has no jurisdiction in Morocco (Central North America), nor jurisdiction above Moorish Americans.

#### ADJUDICATION

Due to the fact that the courts and all court officials do not have the status nor jurisdiction above me, it is a violation of the U.S. Constitution to adjudicate me when status and jurisdiction has not been proven. Note: that the presiding judge, and any judge acting as organ of the court, is aware that 42 USC 1986 requires the person(s) adjudicating legal processes, to correct wrongs, and that their failure to correct the wrongs that were addressed constitutes Fraud under Rule 9(b) of the FRCP, cross referenced to 28 USC 1746, and that this Fraud constitutes a

Perjury on the Oath of Office at 18 USC 1621, deprives us of rights, at 18 USC 241, and 242, Conspires to deprives rights at 42 USC 1985; is an extortion of rights at 18 USC 872, and is actionable under 42 USC 1983.

## LISCENCE PLATES

As far as state issued license plates are concerned, having these license plates is not identified or presented in the Constitution or the Treaties. According to the five contracts presented in this case; The Constitution for the United States 1789, The Treaty of Peace and Friendship 1787, Treaty with the Choctaw 1786, Treaty of Greenville 1795 and Treaty of Witchetaw (Washitaw) 1835, the right of travel is not limited. Washitaw Moors and our associated brands have a right to travel freely without hindrance or molestation. State Identification Card, Driver's license, state plates, car registration, car insurance was not yet created in the United states. Travel is a common fundamental right that cannot be imposed upon nor transferred into a privilege. State corporations cannot create and then impose duties currently or retroactively onto the original inhabitants on this land without their prior and informed consent. To do so is a violation of the Treaties and the Constitution.

## CONCLUSION

- 1) In Conclusion, I Brandon Profit El Bey am a Washitaw Moor National. I am a Moorish American that has a Constitutional agreement with the United States of America Republic sealed by Article VI of the Constitution for the United States 1789. I am in alliance with the United States Republic though various treaties; Treaty of Peace and Friendship 1787, Treaty of Choctaw 1786, Treaty of Greenville 1795 and Treaty of Witchetaw (Washitaw) 1835.

- 2) According to Article VI of the Constitution for the United States Republic 1789, Treaties are the Supreme Law of the Land. Any State Constitution or Laws in any state to the contrary notwithstanding. All Executive and Judicial officers of the United States and of the several states shall be bound by oath and affirmation to support this Constitution.
- 3) According to Article IV of the Constitution, the United States shall guarantee to every state in this union a Republican form of government.
- 4) According to Article III of the Constitution, The Judicial power of the United States, shall be vested in *One Supreme Court*, and in such inferior courts as the congress may from time to time ordain and establish.
- 5) Understanding these basic principles of the United States Republican government, I Brandon Profit El Bey am not subject to any laws not included within the Constitution for the United States 1789 or within the various Treaties made and agreed upon in alliance with the United States.
- 6) I Brandon Profit El Bey am not subject to any statute, code, ordinance, regulation, rules, procedures or any other policy created by any private corporate entity doing business in Morocco/ America that contradicts the U.S. Constitution or the Treaties. This sentiment is agreed upon and supported by Sixteenth American Jurisprudence Second Edition, Section 177. "The U.S. Constitution is the Supreme Law of the Land, and any statute, to be valid, must be in agreement". "Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it".



7) 25Am. Jur.(1st)Highways Sect.163.Pg.457. states that “The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common fundamental right, of which the public and individuals cannot be encroached upon by private individuals or corporations. Moreover, streets and highways are for the use of the public in general passage and traffic without distinction, and ALL persons have an equal RIGHT TO use them for purposes of TRAVEL by proper means, and with due regard for the corresponding RIGHTS of others”.

8) 18USC 242. “Whoever under the color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any state, Territory, or District to the deprivation of ANY rights, privileges or immunities secured or protected by the constitution of laws of the United States... shall be fined not more than \$1,000 or imprisoned not more than one year, or both...”

9) AFLCIO v. Woodward, 406 F2d 137t “Public officials are NOT immune from suit when they transcend their lawful authority (their oath) by invading constitutional rights.”

10) Title 28 U.S. Code Section 3002 (14) “State” means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marinas, or any territory or possession of the United States. (15) “United States” means a Federal Corporation; an agency, department, commission, board, or other entity of the United States; or instrumentality of the United States.

11) UNITED STATES OF AMERICA INC. Non-profit Delaware Corporation  
Incorporation Date4/19/89 File No. 2193946

12) The United States is not a nation, country or a landmass. The United States is a private foreign corporation under sanction from the U.S. Constitution and Treaties.



13) I Brandon Profit El Bey do not have a contract with any private corporation in the United States Republic.

14) Considering that The United States is a member of the United Nations, they are obligated to follow the declarations and acknowledgements of the United Nations. According to the Rights of Indigenous Peoples signed by President Barak Obama in 2008;

Article 28 Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, compensation shall take the form of lands, territories, and resources equal in quality, size, and legal status or of monetary compensation or other appropriate redress.

Article 8 Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Article 33 Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the states in which they live.

15) According to the Ohio Constitution Article 1 Section 1 “All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

Article 1 Section 6 “There shall be no slavery in this State; nor involuntary servitude, unless for the punishment of crime”.

16) THE DEPARTMENT OF MOTOR VEHICLES IS NOT APART OF ANY BRANCHES OF GOVERNMENT

17) The said potential opposing party have defaulted upon its obligation to establish for the record that there was a valid complaint/suit supported by the United States Constitution and that there was no valid jurisdiction above me, no contract with the private corporation called The State of Ohio established in 1803, and that I Brandon Profit El Bey am NOT a U.S. Citizen.

18) TRIAL BY JURY OF MY OWN PEERS WAS, AND IS, DEMANDED

19) NOTICE IS HEREBY GIVEN in good faith to all interested parties that I have no known duty/obligation to the potential opposing party.

20) I hereby certify and affirm by The All Great Spirit, of the State of Ohio Corporation established in 1803 and by the Shaker Heights Municipal Court established in 1953 under Chapter 1901.01 of the Ohio revised code under penalty of perjury under United States laws that my answers are true and complete.

Respectfully submitted



Brandon Profit El Bey

Plaintiff-Appellant, Proper persona

4115 East 138th Street

Cleveland, Ohio Republic [44108]

Phone: (216) 926-8407

UCC 1-103.6, UCC 1-308, UCC 1-207 Without Prejudice

Certificate of Service

<March 30, 2017>

Clerk of the Supreme Court  
Supreme Court of<Ohio>  
< 65 South Front Street, 8th Floor>  
<Columbus> Territory, <Ohio> Republic  
[<43215-3431>] uSA

It is Hereby Certified that service of the foregoing, the associated Memorandum of Law,  
and the associated Notice of Appeal has been made upon the following addressee by  
depositing a copy in the United States Republic mail, postage prepaid,

this 10<sup>th</sup> day of April, 1437M.C. (2017 C.C.Y.) addressed to:

Shaker Heights Municipal Court  
3400 Lee Road  
Shaker Heights, Ohio Republic 44120

Cuyahoga County Court House  
Court of Appeals of Ohio  
Eights District  
Office of the Clerk  
1 Lakeside Avenue #202  
Cleleland, Ohio Republic [44113-1085] uSA



<Brandon Profit El Bey>,  
Authorized Representative, Natural  
Person, In Propria Persona:  
All Rights Reserved:  
U.C.C. 1-207/ 1-308; U.C.C. 1-103  
<Ohio Republic> Territory  
[c/o <4115 East 138<sup>th</sup> Street>]  
[<Cleveland>, <Ohio Republic> ]  
[44108]]  
Northwest Amexem

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 104236

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**CITY OF SHAKER HEIGHTS**

PLAINTIFF-APPELLEE

vs.

**BRANDON PROFIT EL-BEY**

DEFENDANT-APPELLANT

---

**JUDGMENT:  
AFFIRMED**

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Criminal Appeal from the  
Shaker Heights Municipal Court  
Case No. 15TRD07248

**BEFORE:** E.A. Gallagher, J., Keough, A.J., and S. Gallagher, J.

**RELEASED AND JOURNALIZED:** March 16, 2017

**FOR APPELLANT**

Brandon N. Profit, pro se  
4115 East 138th Street  
Cleveland, Ohio 44118

**ATTORNEY FOR APPELLEE**

C. Randolph Keller  
City of Shaker Heights  
3400 Lee Road  
Shaker Heights, Ohio 44120

EILEEN A. GALLAGHER, J.:

{¶1} Defendant-appellant Brandon Profit El-Bey, pro se, appeals his conviction for failure to display license plates in violation of Shaker Heights Codified Ordinances 1135.09. For the reasons that follow, we affirm the trial court's judgment.

### **Factual and Procedural Background**

{¶2} On September 19, 2015, Shaker Heights police issued a citation to El-Bey for failure to properly display license plates in violation of Shaker Heights Codified Ordinances 1135.09. El-Bey pled not guilty and the case proceeded to trial.

{¶3} In February 2016, the municipal court found El-Bey guilty of violating Shaker Heights Codified Ordinances 1135.09 and ordered him to pay a fine of \$35 and court costs, totaling \$375.

{¶4} El-Bey appealed his conviction, identifying the following "Statements of Assignments" of error for review:

- a. Status of a [U]nited States Citizen
- b. Proof of a contract with The State of Ohio
- c. Display of a Driver[']s License
- d. Display of State of Ohio License Plates 1135.09

El-Bey's assignments of error are interrelated. We therefore, address them together.

## Law and Analysis

{¶5} El-Bey does not dispute that he violated Shaker Heights Codified Ordinances 1135.09. However, he apparently contends that he is "exempt" from compliance with the ordinance because he is a national of "United Washitaw de Dugdahmoundyah Mu'ur[,] \* \* \* an Original inhabitant of the Americas and a Freeholder inheritance, under the auspices of the great Highness, Emoreess Verdiacee 'Tiara' Washitaw (Washington) Tunica (Turner) Gosten El Bey and Her great 'Crown Prince' Ramisis Abel Bey (later known as 'Hutan Tu'pak Bey')." He asserts that he is "Moorish American" and not a "14th Amendment citizen," United States citizen or Ohio citizen and that because he has "no valid contract with the State of Ohio or the United States that gives anyone jurisdiction over [him]," he is "not subject to" the "de facto Colorable law [or] jurisdiction of the United States" or "the statutes, codes, and ordinances of the State of Ohio" and "cannot be \* \* \* ticketed for traveling on my own land."<sup>1</sup> He argues that he was not required to display Ohio license plates on his vehicle because "the [d]isplay of State of Ohio [l]icense [p]lates is not mandatory in my own Nation" and that his "Nation" has its own "Indigenous Traveling Plates," which he contends were on his vehicle at the time he received the citation. El-Bey's arguments are meritless.

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<sup>1</sup>El-Bey disputes that he is an Ohio resident, but indicates that "the United Washitaw de Dugdahmoundyah Mu'ur Nation" of which he claims he is a "National" is "situated in the same location" as the state of Ohio.

{¶6} Numerous courts have rejected similar challenges to convictions based on “sovereign citizen” or “sovereign nation” arguments. *See, e.g., State v. Wyley*, 8th Dist. Cuyahoga No. 102889, 2016-Ohio-1118, ¶ 6-7, 11-12; *Garfield Hts. v. Foster*, 8th Dist. Cuyahoga No. 102965, 2016-Ohio-2834, ¶ 9 (noting that “[t]his court and other courts have repeatedly rejected the ‘sovereign citizen’ argument or defense when challenging jurisdiction and have actually characterized such arguments as frivolous”); *State v. Few*, 2d Dist. Montgomery No. 25969, 2015-Ohio-2292, ¶ 6 (sovereign citizen theories “are meritless and worthy of little discussion”), quoting *Dubose v. Kasich*, S.D. Ohio No. 2:11-CV-00071, 2013 U.S. Dist. LEXIS 6086, \* 3 (Jan. 15, 2013); *State v. Blacker*, 12th Dist. Warren No. CA2008-07-094, 2009-Ohio-5519, ¶ 7-10 (rejecting defendant’s claim that the trial court lacked jurisdiction to try and convict him of criminal offenses because he is a “sovereign man,” a “non-resident alien to the Federal United States, the State of Ohio, and Warren County,” and holding that “Ohio’s Revised Code and any applicable criminal statutes apply to all individuals, regardless of citizenship or nonresident alien status”); *see also St. Paris v. Galluzzo*, 2d Dist. Champaign No. 2014-CA-29, 2015-Ohio-3385, ¶ 46 (“Regardless of an individual’s claimed status of descent, be it as a “sovereign citizen,” a “secured-party creditor,” or a “flesh-and-blood human being,” that person is not beyond the jurisdiction of the courts. These theories should be rejected summarily, however they are presented.”), quoting *United States v.*



*Benabe*, 654 F.3d 753, 767 (7th Cir.2011); *State v. Matthews*, 2d Dist. Greene No. 2015-CA-73, 2016-Ohio-5055, ¶ 3-6 (rejecting defendant's arguments that municipal court lacked subject matter jurisdiction and personal jurisdiction because "municipal court could not obtain jurisdiction over him without his consent" and that "there could be no consent without a 'contract' with the municipal corporation"); *Friend v. Schatzman*, M.D.N.C. No. 1:15CV231, 2015 U.S. Dist. LEXIS 36332, \*3-5 (Mar. 24, 2015) (defendant's claim that he was a member of the "United Washitaw de Dugdahmoundyah Mu'ur Nation" and not a United States citizen did not preclude his arrest, prosecution and conviction for the unlawful possession of cocaine in violation of North Carolina law).

{¶7} As this court stated in *Wiley*:

[T]he United States does not recognize the Moorish Nation as a sovereign state. *Speed v. Mehan*, E.D.Mo. No. 4:13CV1841, 2013 U.S. Dist. LEXIS 153429, \*5 (Oct. 25, 2013); *Allah El v. DA for Bronx Cty.*, S.D.N.Y. No. 09CV8746, 2009 U.S. Dist. LEXIS 105869, \*3 (Nov. 4, 2009); *Benton-El v. Odom*, E.D.Mo. No. 5:05-CV-242, 2007 U.S. Dist. LEXIS 44270, \*6 (June 19, 2007). The self-proclaimed "public minister" or "consular" "cannot unilaterally bestow sovereign immunity upon himself." *Mehan*, citing *United States v. Lumumba*, 741 F.2d 12, 15 (2d Cir.1984). Therefore the party's purported status as a Moorish-American citizen does not "enable him to violate state and federal laws without consequence." *Id.*; *South Carolina v. Ajani Nasir Ali*, D.S.C. No. 1:12-2629-TLW-PJG, 2012 U.S. Dist. LEXIS 183680, \*3 (Dec. 4, 2012) ("[T]he defendant's purported ground for removal based on the premise that he should not be prosecuted for a violation of the law of the State of South Carolina because he is an Aboriginal Indigenous Moorish-American is frivolous on its face."); *United States v. Lee-El*, D.Kan. No. 08-20140-01-KHV, 2009 U.S. Dist. LEXIS 109973 (Nov. 24, 2009) (citing a collection of cases finding

that aliens in the United States, including aboriginal Moors and Moorish-Americans, must obey the laws of the United States).

*Wyley*, 2016-Ohio-1118, at ¶ 12. The same rule applies with respect to violations of municipal ordinances.

{¶8} Article 18, Section 3 of the Ohio Constitution provides: "Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws." See also *Mt. Vernon v. Young*, 5th Dist. Knox No. 2005CA45, 2006-Ohio-3319, ¶ 58 ("a municipality's authority to regulate traffic comes from the Ohio Constitution"), quoting *State v. Parker*, 68 Ohio St.3d 283, 285, 626 N.E.2d 106 (1994).

{¶9} With respect to the jurisdiction of the Shaker Heights municipal court, "Ohio municipal courts are created by statute \* \* \* and their subject-matter jurisdiction is also set by statute." *State v. Mbodji*, 129 Ohio St.3d 325, 2011-Ohio-2880, 951 N.E.2d 1025, ¶ 11. As the Second District explained in *St. Paris v. Galluzzo*, 2d Dist. Champaign No. 2014-CA-4, 2014-Ohio-3260:

The judicial power of the state is vested in "such other courts inferior to the supreme court as may from time to time be established by law." Article IV, Section 1, Ohio Constitution. The constitution gives the General Assembly the power to provide for municipal courts and their jurisdiction. *Behrle v. Beam*, 6 Ohio St.3d 41, 42, 451 N.E.2d 237 (1983). Municipal courts, as they exist

today in Ohio, were established in 1951 with the enactment of R.C. Chapter 1901. *Id.* [.] *State v. Spartz*, 12th Dist. Madison No. CA99-11-026, 2000 Ohio App. LEXIS 612, \*1 (Feb. 22, 2000).

Generally, all Ohio courts have jurisdiction over violations of Ohio law occurring in Ohio. *See* R.C. 2901.11(A).<sup>2</sup> More to the point, municipal courts have jurisdiction over misdemeanor offenses.

Pursuant to R.C. 1901.20, “[t]he municipal court has jurisdiction of the violation of any ordinance of any municipal corporation within its territory \* \* \* and of the violation of any misdemeanor committed within the limits of its territory.”<sup>3</sup>

*Id.* at ¶ 11, quoting *Young* at ¶ 54-56.

{¶10} The filing of a complaint invokes the jurisdiction of a municipal court. *Matthews*, 2016-Ohio-5055, at ¶ 4, citing *Mbodji* at ¶ 12, and *State v. Gunnell*, 10th Dist. Franklin No. 13AP-90, 2013-Ohio-3928, ¶ 8. In traffic cases, an Ohio Uniform Traffic Ticket serves as the complaint and summons. *Matthews* at ¶ 4, citing Traf.R. 3(A).

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<sup>2</sup>R.C. 2901.11(A)(1) provides: “A person is subject to criminal prosecution and punishment in this state if \* \* \* [t]he person commits an offense under the laws of this state, any element of which takes place in this state.”

<sup>3</sup>Effective March 23, 2015, R.C. 1901.20(A)(1) was amended. It now states, in relevant part, as follows:

The municipal court has jurisdiction to hear misdemeanor cases committed within its territory and has jurisdiction over the violation of any ordinance of any municipal corporation within its territory, unless the violation is a civil violation based upon evidence recorded by a traffic law photo-monitoring device and issued pursuant to division (B)(3) of section 4511.093 of the Revised Code or the violation is required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code. \* \* \*

{¶11} There is no dispute that the offense at issue occurred while El-Bey was driving his vehicle within the territorial boundaries of Shaker Heights. The record reflects that El-Bey was personally served with an Ohio Uniform Traffic Ticket for violating Shaker Heights Ordinances 1135.09 during a traffic stop on September 19, 2015. El-Bey was subject to the laws of Shaker Heights, including Shaker Heights Codified Ordinances 1135.09, when traveling through the city, and the Shaker Heights Municipal Court had both subject matter jurisdiction and personal jurisdiction over El-Bey for committing an act within the city that violated that ordinance. R.C. 1901.02, 1901.20(A)(1); *see also Dayton v. Galluzzo*, 2d Dist. Montgomery No. 25913, 2014-Ohio-4854, ¶ 8-9, 11 (municipal court had jurisdiction over defendant for committing a traffic offense within its territorial jurisdiction in violation of a city ordinance); *Galluzzo*, 2014-Ohio-3260, at ¶ 3, 11-12 (municipal court had subject matter jurisdiction and personal jurisdiction over defendant cited for expired vehicle registration in violation of village ordinance).

{¶12} El-Bey has asserted that the city could not exercise jurisdiction over him because he did not have a “contract” with the city or state in the form of an Ohio driver’s license or Ohio license plates. This claim is disingenuous. At oral argument El-Bey acknowledged that he had an Ohio license plate on the front of his vehicle at the time he was stopped, i.e., that he was cited for the absence of a valid rear license plate and that he also had an Ohio “identification card,”

which he used for purposes of "convenience," such as establishing a checking account. Appellant is oddly selective in his acceptance of government rules regulations.

{¶13} El-Bey also asserts that he has "a common fundamental right" to travel and that his operation of his vehicle was not properly subject to regulation because he was not using his vehicle as part of a commercial enterprise. Other courts have previously considered and rejected similar arguments. For example, in *Matthews, supra*, the Second District stated:

[The defendant] also argues that freedom of movement and travel are "rights" which cannot be unconstitutionally "converted" into a governmental privilege by requiring licensure and registration. However, there is no fundamental right to drive a motor vehicle, and a "burden on a single mode of transportation simply does not implicate the right to interstate travel." *St. Paris v. Galluzzo*, 2014-Ohio-3260,] at ¶ 15, quoting *State v. Gunnell*, 10th Dist. Franklin No. 13AP-90, 2013-Ohio-3928, ¶ 13 (which quoted *Duncan v. Cone*, 6th Cir. No. 00-5705, 2000 U.S. App. LEXIS 33221 (Dec. 7, 2000)). "The right of a citizen to operate a motor vehicle upon the highways of this state is not a natural or unrestricted right, but a privilege which is subject to reasonable regulation under the police power of the state in the interest of public safety and welfare." *State v. Starnes*, 21 Ohio St.2d 38, 45, 254 N.E.2d 675 (1970), quoting *Blow v. Commr. of Motor Vehicles*, 83 S.D. 628, 164 N.W.2d 351, 352 (S.D.1969). Licensure and registration are such reasonable regulations.

*Matthews*, 2016-Ohio-5055, at ¶ 7; see also *Young*, 2006-Ohio-3319, at ¶ 60-75;

*Galluzzo*, 2014-Ohio-4854, at ¶ 10. We agree with the reasoning of these courts.

El-Bey's assignments of error are meritless and are overruled.

{¶14} Judgment affirmed.

It is ordered that appellee recover from appellant the costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Shaker Heights Municipal Court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

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ER, JUDGE

KATHLEEN ANN KEOUGH, A.J., and  
SEAN C. GALLAGHER, J., CONCUR

FILED AND JOURNALIZED  
PER APP.R. 22(C)

MAR 16 2017

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