

\*

TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SET-D-C

\* given name  
(also a "nom de guerre")

FROM: 44202086  
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry  
SUBJECT: NOTICE OF RESCISSION, BY AFFIDAVIT  
DATE: 04/28/2014 06:30:24 PM

-COPY-

PM

NOTICE OF RESCISSION, BY AFFIDAVIT

TO:  
Presiding Judge (duly credentialed)  
District Court of the United States ("DCUS")  
2120 Capitol Avenue  
Cheyenne 82001  
Wyoming, USA

Please file in:  
People ex rel. Mitchell  
v. Harris et al.

PM

DATE: April 28, 2014 A.D.

RE: #2:14-CR-00027-NDF-2

Greetings Your Honor:

Further legal research into the duties, responsibilities and authorities of Federal Clerks of Court and Deputy Clerks of Court now justifies, and necessitates, this timely NOTICE OF RESCISSION, for reasons including but not limited to the following:

(1) The record in the instant cases to date proves that Clerks and Deputy Clerks are both "officers of the court". A relevant decision in this context is U.S. v. Bertrand, 596 F.2d 150 (6th Cir. 1979), which clearly held as follows:

Testimony by Clerk of Court identifying himself and Deputy Clerk is sufficient proof that Clerk and Deputy Clerk are "officers of court" pursuant to 28 USCS 751, 951, so as to support conviction for forging or counterfeiting signatures of officers of court under 18 USCS 505.

In the latter Section 505, the term "officer" does correctly describe both Clerks of Court and Deputy Clerks of Court.

(2) Similarly, another relevant decision in this same context is Ex parte Burdell, 32 F. 681 (DCUS/DSC 1887), which also clearly held that a Deputy Clerk is an officer of the court. The Burdell decision has already been cited in the prior record of the instant cases.

(3) The laws identifying Clerks and Deputy Clerks as Court "officers" also implicate specific authorities conferred by 28 U.S.C. 953 (Administration of oaths and acknowledgments), to wit:

Each clerk of court and his deputies may administer oaths and affirmations and take acknowledgments.

Thus, the Second Circuit has held that a proper oath administered pursuant to Section 953 is subject to the prohibition against perjury in 18 U.S.C. 1621. See U.S. v. Lester, 248 F.2d 329 (2nd Cir. 1957).

(4) Furthermore, the record in the instant cases has already established that all Clerks and Deputy Clerks must have timely executed two (2) credentials:  
(a) the three (3) affidavits required by 5 U.S.C. 3331, 3332, 3333 respectively, and  
(b) the second oath of office of clerks and deputies required by 28 U.S.C. 951.