

From: _____

To: Governor Ronald D. DeSantis

400 S. Monroe St.

Tallahassee, Florida 32399-0001

To: Attorney General Ashley Moody

PL-01 The Capitol

Tallahassee, Florida 32399-1050

To: DeSoto County Sheriff James Potter

208 East Cypress Street

Arcadia, Florida 34266-4410

Cc: Secretary of State:

Cc: Speaker of the House:

Cc: Senate President:

Cc: State Sheriffs Association:

Notice of County Sheriff’s Constitutional Authority
[Demand to Protect DeSoto County Electorate]

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, _____, (one of the People as presented in the Florida State Constitution, Article 1, Section 2), come Sui Juris, in this Court of Record, giving you Notice of the following claims and facts that you and your agents may provide due care; **[Emphasis by Highlight added as needed]**

Please take Notice that the original settlers of the Territory (March 30, 1822) identified as Florida, by their own consensus, petitioned the U. S. Congress for statehood (granted in 1845), defined its borders, and defined their frame of government to mirror that established by the U. S. Constitution ratified in 1789. All power not assigned to the Congress and federal agencies created by it was, in Amendment X, retained by the states and/or the People. That limited form of federal government does not give Rights to the People, nor can the Congress write legislation that would remove or abrogate the Rights of the People. All power is derived from “We the People.” To quote one Maxim of Law, “The derivative power cannot be greater than the original from which it is derived.” Both state and federal Constitutions declare this truth:

The Preamble of the Constitution of the United States of America: **“We the People** of the United States, in Order to form a more perfect Union, establish Justice, **insure domestic Tranquility**, provide for the common defense, promote the general Welfare, and **secure the Blessings of Liberty** to ourselves and our Posterity, **do ordain and establish this Constitution** for the United States of America.”

Florida State Constitution, Preamble: **“We, the people of the State of Florida**, being grateful to Almighty God for our constitutional liberty, in order to **secure its benefits**, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, **do ordain and establish this constitution.”**

It is also a Right and a Duty for the People to both choose and to instruct those chosen representatives in the exercise of that power, and in their performance of all Constitutional directives detailed for those elected positions. See Florida State Constitutional references:

Florida Constitution: Article 1, Section 1: Political Power: **“All political power is inherent in the people.** The enunciation herein of certain rights **shall not be construed to deny or impair** others retained by the people.”

Florida Constitution: Article 1, Section 5: Right to assemble: **“The people shall have the right peaceably to assemble, to instruct their representatives,** and to petition for redress of grievances.”

Take further Notice that Merriam Webster’s Collegiate Dictionary, 2006, 11th edition, page 541, defines the word “government”, in item “5a,” as “the organization, machinery, or agency through which a political unit exercises authority, and performs functions, and which is usu. classified according to the distribution of power within it,” and item “5b,” as, “the complex of political institutions, laws and customs through which the function of governing is carried out.” Item 6 defines “government” in terms of the

body of persons and their respective departments, agencies etc. who **are given authority** to perform all of the above functions. Both the U. S. and all fifty state Constitutions (quoted above) begin with a 'Preamble' that establishes the ultimate authority over this entire nation as "We the People." The Constitutions that set up and define all of the political units in this land were created and approved by "We the People," who are the electorate—those of us who vote, lobby, call, write, show up in person, and in general demand that our government be responsive to our voices.

Specific Notice is hereby given that any federal agency claiming to be the "Supreme" law of the land is issuing a spurious and untrue fallacy. The true fact is that , in the U. S. Constitution Article VI, the "Supreme Law of the Land" is **the Constitution of the United States** together with **the laws and treaties passed by Congress**; not edicts from federal agencies, not Executive department general orders, and not executive orders from either Governors or Presidents. See **Article VI** in its entirety and then read **Amendments IX and Amendment X**, which recognize that all power and authority not specifically assigned in the Constitution of the United States of America **rests in its People**, the electorate of every state. The Maxim of Law applying to the FBI and other three letter agencies reads: "In the presence of the superior power, the inferior power ceases. The lesser authority is merged into the greater." These federal agencies have no authority to come into our state and to then deny our Floridian People their Constitutional Rights of "due process" and "freedom from tyranny."

U.S. Constitution, Amendment IX: "The enumeration in the Constitution of certain rights, shall not be construed **to deny or disparage others retained by the people.**"

U.S. Constitution, Amendment X: "The powers not delegated to the United States by the **Constitution** nor prohibited by it to the States are reserved to the States respectively, or to the people."

U.S. Constitution, Amendment IV: "The right of the people **to be secure** in their persons, houses, papers, and effects, against unreasonable searches and seizures, **shall not be violated** . . ."

Florida State Constitution, Article 1, Section 9, Due Process: "No person shall be **deprived** of life, **liberty or property** without **due process of law**, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself."

Take additional Notice that the "People" choose and empower their representatives. In this State, the Governor and the Attorney General, along with the County Sheriff are the highest ranking law enforcement officials, and are trustees for the People. They do not answer to any other state, or federal entity that may seek to usurp the authority invested only in them. The elected County Sheriffs are closer to their constituents and thus have been delegated broader law enforcement authority by their County electorate. See references below for original Common Law County Sheriff duties:

COMMON LAW HANDBOOK FOR JUROR'S, SHERIFF'S, BAILIFF'S, AND JUSTICE'S: SHERIFF -

"America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves." - Abraham Lincoln.

"The County Sheriff is the last line of defense when it comes to upholding and defending the Constitution. The sheriff's duties and obligations go far beyond writing tickets, arresting criminals and operating jails. The Sheriff also has an obligation to protect the Constitutional rights of the citizens in our counties. This includes the right to free speech, the right to assemble and the right to bear arms.

Remember the oath. "Sheriffs take an oath to uphold and defend the Constitution, from enemies foreign AND domestic. In the history of our world, it is government tyranny that has violated the freedoms granted to us by our Creator more than any other. And it is the duty of the sheriff to protect their counties from those that would take away our freedoms, both foreign AND domestic – whether it is a terrorist from Yemen or a bureaucrat from Washington, DC."

Notice is also given that the major duty of the Sheriff is protecting the People as well as enforcing and supporting their efforts to assert all Constitutional Rights, even against federal agencies whose scope of authority is limited by Constitutional provisions. **The Maxim of Law** that applies is, **“Failure to enforce the law does not change it.”** Not taking a position between the People who are being attacked by other Law enforcement agencies is considered to be maladministration of your office. The Rights of the people are inviolate and held in common from state to state. See below:

U.S. Constitution Article IV, Section 2, p. 1: “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

2011 Florida Statutes 201: Common law and certain statutes declared in force.—“The common and statute laws of England which are of a general and not a local nature, with the exception hereinafter mentioned, down to the 4th day of July, 1776, are declared to be of force in this state; provided, the said statutes and common law be not inconsistent with the Constitution and laws of the United States and the acts of the Legislature of this state. This statute was affirmed in *Kluger v. White*, 281 So. 2d 1 (Fla. 1973). and later reaffirmed in *Smith v. Dept. of Insurance*, 507 So. 2d 1080 (Fla. 1987).]”

Constitution of the State of Florida, ARTICLE I, SECTION 2. Basic Rights: “—All natural persons, female and male alike, are equal before the law and have **inalienable rights**, among which are the right to enjoy and **defend life and liberty**, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.”

Further Notice is given by the “People” you protect. County Sheriffs hold primary jurisdiction over this County, a fact which gives your office superior status over all other agencies including federal. The federal power to act in the states, to exercise any law enforcing power is limited by the **Constitution of the United States in Article I, Section 8** and specifically clauses 17 and 18. The federal agencies cannot create their own laws and regulations other than those that apply only to their own agencies. Usurpation of State and County authority delegated to them by the People of the State of Florida has no credible Constitutional standing in any court; has no legislative authority unless ceded by the state of Florida. See reference study material at <http://www.defendruralamerica.com/files/DSJurisdictionReport1957.pdf> and Constitutional references below:

US Constitution, ARTICLE 1, SECTION 8: “. . .To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;. . .”

McCulloch v. Maryland (1819) John Marshall decision... “Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution....” Thus, Congress had wide **discretion** to make **policy** decisions so long as those decisions were plainly adapted to a constitutionally authorized end, and the Court would defer to Congress in these cases. (Source: Cornell Law School, Legal Information Institute web site)

U.S. v. Knight Co., 156 U.S. 11 item 26: “It cannot be denied that the power of a state to protect the lives, health, and property of its citizens, and to preserve good order and the public morals, 'the power to govern men and things within the limits of its dominion,' is a power originally and always belonging to the states, not surrendered by them to the general government, nor directly restrained by the constitution of the United States, and essentially exclusive. . . .”

Unconstitutional federal regulations and/or mandates, forced onto the population, amount to slavery and/or Tyranny. The fact that our present governmental administration has taken illegitimate liberties with our Constitutional Rights only proves how critical our law enforcement officers, especially our Sheriffs, have become. For example, the “People” are observing: 1) The ongoing exposure of evidence of election tampering, that continues to pop up all across the country, now includes the name of a company with ties to the CCP, which collected detailed demographic data on election workers, that was traced to a

destination in China; 2) The federal executive departments and department of justice openly investigate any of the “People” who hold and/or express dissenting opinions, designating them terrorists without any justification; 3) Federal agencies coming into our state and their apprehending of Floridians, without “due process,” enabled by politically motivated justices (the recent raid on Mar-A-Lago and removal of Jan 6 protestors without extradition process observed); 4) The ATF and other federal agencies sending agents to harass private citizens under the premise of verifying FFL information and gun ownership; and 5) The FBI has put many parents attending school board meetings on a watch list for exercising their first amendment rights on orders from the DOJ. “We the People” of the state of Florida are under attack from both foreign and domestic actors. Our Constitutional Sheriffs enforcing our Constitutional Rights are more important than ever to the maintenance of peace and safety in our counties.

Florida State Constitution, Article 1, SECTION 12. Searches and seizures:—“The right of the people to be **secure** in their persons, houses, papers and effects against unreasonable searches and seizures, . . . shall not be violated. **No warrant shall be issued** except upon probable cause, supported **by affidavit**, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and **the nature of evidence** to be obtained. . . .”

US Constitution, Bill of Rights, Amendment XIII, Section 1: “**Neither slavery nor involuntary servitude**, except as a punishment for crime where-of the party **shall have been duly convicted**, shall exist within the United States, or any place subject to their jurisdiction.”

National Liberty Alliance.org published the “County Sheriff’s Handbook” quotation from page 6-7:

“Show us a County Sheriff that does not know the Law and we will show you a Lawless County. Because it is in the nature of unrestrained government servants **to seize more and more power and control over the People** and this is precisely why we need a true Lawman who takes pride in the knowledge of the Law.

The office of the Sheriff is not to blindly enforce codes, rules and statutes but to enforce the Law and constitutional statutes that prevent lawless servants from injuring the People; it’s up to the Sheriff to **“bind the government servant down from mischief by the chains of the Constitution.”** Thomas Jefferson”

Notice is hereby given, as County Sheriff, you have the means to protect the “Peoples” Constitutional Rights and you are able to take an active part in defending them; and the office of the County Sheriff is an integral part of the law enforcement community of every county and serves as a critical component of the effective performance of our local municipalities. We have suffered unprecedented infiltration and overreach into our local communities from outside influences, be it from State, Federal, non-governmental entities and foreign influencers. “We the People” look to you, our Sheriff to investigate these issues, and restrict these entities based on our Constitutional and Common Law, not on limited federal authority/overreach. We look to you to enforce the constitutional limits on jurisdiction on all government personnel and to protect the People’s free exercise and expression of our God given Rights.

Please take final Notice, “We the People,” stand in support of our Constitutional Sheriffs who uphold their “oath of office,” and strive to protect their electorate from the “Oligarchy” we are now experiencing in our state and in our Nation. We are NOT a Democracy. We are a Constitutional Republic with a limited centralized representative form of government, drawn from fifty separate states, that has exceeded its authority as defined in both State and National Constitutions. It is past time for the County communities to rally in support of their Sheriffs and to reclaim their “God Given” Constitutional Authority and Responsibilities.

Autograph:_____

Date:_____