

Motion to Strike All Prosecution Motions

Introduction

Motion To Strike All Prosecution Motions for Want of Jurisdiction, Legal Authority, And Constitutional Standing

Notice and Demand to Strike All Prosecutorial Motions for Want of Jurisdiction, Constitutional Standing, and Legal Authority – Filed as Evidentiary Record of Criminal Abuse

Comes now the living man, *Tyler-Jay: Stoeser-Calkins*™, sui juris and in propria persona, not appearing generally nor consenting to statutory jurisdiction, but solely for the purpose of lawful Notice, record, and demand for abatement and justice.

This **Motion to Strike All Prosecution Motions** is **not submitted to litigate the merits of the State's motions**, nor to grant the Court jurisdiction over the person, cause, or subject matter. Instead, it serves as an **evidentiary record**—a **formal notice and declaration of systemic violations** of constitutional rights, lawful process, and judicial ethics.

The undersigned **does not consent to adjudication on the merits** by a forum which is **fatally defective in subject-matter and personal jurisdiction**, due to:

- The **fraudulent appointment and oath deficiencies** of prosecutorial and judicial officers;
- The **absence of a verified, injured-party complaint**;
- And **conflict-of-interest violations**, including ongoing federal litigation naming court actors.

Purpose of Filing

This filing serves to:

1. **Demand abatement and striking of all State motions** as void ab initio, filed under color of law without standing or jurisdiction;
2. **Document the factual record** of malicious intent, procedural fraud, and prosecutorial overreach for the purpose of **future civil and criminal prosecution**;
3. **Preserve equitable and lawful objections** to any implied joinder, silent consent, or procedural default that may arise by the State's bad faith actions or the Court's inaction.

This Is Not a Waiver or General Appearance

No part of this filing shall be construed as:

- A general appearance;
- A concession to the authority or jurisdiction of this tribunal;
- A request for discretionary relief under statutory court rules.

This document is filed solely to invoke and memorialize the **doctrine of estoppel, equity maxims, common-law jurisdiction, and the supreme law of the land**, and to prevent default by silence in the face of unlawful aggression.

This Motion seeks not only to challenge the **content** of the State's 13–15 motions (variously styled as “Motions in Limine,” “Demands,” and “Protective Requests”), but to expose and confront the broader failure of the State to adhere to lawful authority under:

- The **United States Constitution (Amendments I through XI)**;
- The **South Dakota Constitution**, including its Bill of Rights;
- **Title 18 and Title 28** of the **United States Code**;
- Relevant provisions of **Corpus Juris Secundum (C.J.S.)** and **American Jurisprudence (Am. Jur.)** regarding jurisdiction, due process, prosecutorial ethics, and judicial integrity;
- The **Federal Rules of Criminal Procedure (FRCP)**, including but not limited to Rules 3, 5, 7, 11, 16, 26, 32, and 48;
- **Statutes at Large** and binding Supreme Court precedent;
- Equitable maxims and principles of **clean hands, fiduciary accountability, notice and opportunity to be heard, nemo iudex in causa sua, and abuse of process.**

Nature of Relief Requested

This Motion respectfully requests:

1. **Immediate striking of all prosecutorial motions** for failure to meet the standards of admissibility, relevance, due process, and good faith required in both civil and criminal proceedings;
2. **Formal judicial recognition of constitutional and jurisdictional defects**, including lack of subject-matter and personal jurisdiction, which render all prosecutorial acts ultra vires and void ab initio;
3. **Estoppel by conduct and law** to bar the prosecution from re-filing or continuing action under the current unconstitutional framework, where violations are not merely procedural, but structural and foundational;
4. An order requiring the prosecution to **show cause**, under oath, as to why its agents and filings should not be held in contempt of court, and potentially referred for investigation under **18 U.S.C. §§ 241, 242, 1001, and 1512**, among others.

Summary of Grounds

The following sections will show that the State's filings are:

- **Without lawful foundation**: lacking verified complaints by an injured party under penalty of perjury as required by the Fourth, Fifth, and Sixth Amendments;
- **Filed by actors lacking standing or lawful authority**, many of whom are conflicted parties or members of the South Dakota Bar operating under foreign or commercial jurisdiction (see **26 CFR § 1.501(c)(3)-1, 28 U.S.C. § 455, and SDCL 16-18-1**);
- **Constituting retaliatory or abusive process** designed to suppress protected rights, silence estate-related claims, and obfuscate the proven federal litigation involving the same actors and properties.

Equitable Context

This matter does not arise in a vacuum. The prosecution is attempting to continue a pattern of civil and criminal abuse stemming from **inter-family trust disputes, probate interference, and improper judicial participation** in an estate for which the Court and its officers were already given actual and constructive notice of federal involvement and constitutional claims.

As such, the prosecution's conduct constitutes not merely misconduct—but potentially **constructive fraud, obstruction of justice, and conspiracy under color of law**. Equity abhors fraud. Equity requires clean hands.

Jurisdictional Failures and Prosecutorial Standing Deficiencies

A. Fundamental Lack of Subject-Matter Jurisdiction

The State has not, and cannot, demonstrate valid **subject-matter jurisdiction** over this controversy, as required by both federal and state law. Jurisdiction must be affirmatively established on the record, and cannot be assumed, presumed, or waived.

Black-letter authorities:

- “**Jurisdiction is fundamental and must be proven on the record of the court.**” – *Hagans v. Lavine*, 415 U.S. 528 (1974)
- “**The burden shifts to the party asserting jurisdiction to prove it exists.**” – *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998)

Furthermore, the State has failed to demonstrate that:

- A **valid criminal complaint**, sworn to by a competent and injured party, was ever filed per **Fourth and Fifth Amendment** due process;
- The alleged matter falls under the **criminal jurisdiction** of the State, rather than civil, family, federal, probate, or equity jurisdictions already invoked elsewhere;
- There is no federal preemption or superior claim arising from **ongoing federal estate, trust, or constitutional proceedings** (see **11th Amendment**, and **Am. Jur. 2d, Judgments § 17** regarding res judicata and collateral estoppel).

American Jurisprudence 2d, Constitutional Law § 96:

“A court that acts without jurisdiction, or acts in violation of constitutional rights, ceases to be a court of law and becomes a de facto tribunal of no lawful authority.”

B. Lack of Personal Jurisdiction and Proper Service

There has been no proper, lawful **notice or service of process** upon the living man Tyler-Jay: Stoeser-Calkins©™, nor a verified, sworn complaint by an injured party. No evidence has been shown on the record of:

- Proper **first-person verified affidavit** of injury under penalty of perjury (FRCP Rule 3; *Ex parte Milligan*, 71 U.S. 2);
- Valid **summons** issued and served with proof of delivery, and opportunity to respond prior to restraint of liberty (see **SDCL 23A-2-4**, and **SDCL Ch. 15-6** for civil analogs).

To assert **in personam jurisdiction**, the State must show by clear and convincing evidence that the living man:

- Was properly named (not a legal fiction or entity),

- Received actual notice and had opportunity to contest the claims,
- Is a party to any contract, agreement, or statutory duty with the State.

None of these elements have been met. Therefore, the Court lacks jurisdiction over both **the person** and the **subject**.

Corpus Juris Secundum, Vol. 21, § 183:

“A void judgment is one which has no legal force or effect, the invalidity of which may be asserted by any person whose rights are affected at any time and at any place.”

C. Prosecutor’s Lack of Standing and Ultra Vires Conduct

The prosecuting attorneys have not demonstrated:

- Valid delegation of authority from a constitutional officer or injured party;
- Freedom from conflicts of interest involving **prior estate litigation**, bar association loyalty, or private capacity interference;
- Compliance with **South Dakota oath requirements (SDCL 3-1-5 and 3-1-6)**;
- Registration under **28 U.S.C. § 1602 et seq. (Foreign Sovereign Immunities Act)** if acting on behalf of a BAR-registered foreign corporate entity.

The prosecutor’s office is acting **ultra vires**—beyond the scope of delegated authority—and cannot lawfully proceed.

Furthermore, their filing of baseless motions designed to silence Tyler, prohibit trust-related evidence, and block estate context constitutes **prosecutorial misconduct**, **malicious prosecution**, and possible **criminal conspiracy under 18 U.S.C. § 241 and § 242**.

D. Failure to Meet Article III Standing and “Case or Controversy” Requirements

To establish standing under constitutional minimums, a party must show:

1. **Injury in fact** (concrete, particularized, and actual),
2. **Causation** (traceable to the defendant’s conduct),
3. **Redressability** (a favorable court decision must likely redress the injury).

See: *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992).

The State has demonstrated none of these elements.

The State’s entire prosecutorial posture fails the jurisdictional threshold under **constitutional law**, **South Dakota law**, and **rules of criminal procedure**. Each motion must be struck as **void ab initio**, filed by parties without standing, authority, or verified complaint.

Violations of Constitutional Rights and Procedural Due Process

The State's collective prosecutorial motions—particularly those seeking to preclude discussion of family estates, limit witness testimony, suppress constitutional defenses, and silence key factual contexts—represent an ongoing pattern of egregious violations of Tyler-Jay: Stoeser-Calkins©™'s **constitutional, natural, and procedural** rights. These motions are not only unfounded in law, but are **repugnant to the Bill of Rights**, equity jurisprudence, and public policy.

A. Violation of the First Amendment – Free Speech, Petition, and Press

Several motions attempt to **restrict** Tyler's lawful right to speak about the underlying estate, trust, or judicial conflicts and public matters. These include:

- **STATE'S MOTION IN LIMINE RE PROBATE OF THE ESTATE OF ROBERT CALKINS & BARB STOESER**
- **STATE'S MOTION IN LIMINE RE IMPROPERLY MOTIVATED PROSECUTION**
- **STATE'S MOTION TO SEQUESTER DEFENSE WITNESSES**

Constitutional Authority:

- **U.S. Const. amend. I:** "Congress shall make no law... abridging the freedom of speech... or the right of the people to petition the Government for a redress of grievances."
- **S.D. Const. Art. VI, § 5:** "Every person may freely speak, write and publish on all subjects..."

Legal Citations:

- *Garrison v. Louisiana*, 379 U.S. 64 (1964): Even false speech about public officials is protected absent actual malice.
- *NAACP v. Button*, 371 U.S. 415 (1963): The First Amendment protects legal expression and advocacy related to litigation.

Violation: The attempt to silence defense speech regarding **fraud, trust, estate mismanagement, and judicial misconduct** is a blatant **prior restraint** and unconstitutional **viewpoint discrimination**.

B. Violation of the Fourth and Fifth Amendments – Due Process and Lawful Seizure

The State seized Tyler's personal property—truck, firearms, computers, and mobile devices—without:

- A valid warrant based on probable cause from a first-person sworn affidavit (Fourth Amendment);
- Lawful notice, service, or opportunity to contest (Fifth Amendment due process);
- Any verified claim of injury from a competent party.

Authorities:

- **U.S. Const. amend. IV & V**
- *Weeks v. United States*, 232 U.S. 383 (1914)
- *Miranda v. Arizona*, 384 U.S. 436 (1966)

- *Am. Jur. 2d, Searches and Seizures § 8*: “Unlawful searches render all evidence obtained therefrom inadmissible.”

Violation: The seizure of property, and the prosecution’s refusal to address these acts, is a **fruit of the poisonous tree**, and the use of such seizures to support motions or deny standing is a **constitutional nullity**.

C. Violation of the Sixth Amendment – Right to Present a Defense

Many motions filed by the prosecution are **designed to gag** Tyler from presenting relevant facts, witnesses, or theories central to his defense—including:

- Trust and estate background (motive and conflict of interest),
- Judicial corruption (bias, fraud, recusal),
- Lawful estate inheritance and partition actions,
- Personal trauma and disability-related issues.

Authorities:

- **U.S. Const. amend. VI**: “In all criminal prosecutions, the accused shall enjoy the right... to have compulsory process for obtaining witnesses in his favor...”
- *Chambers v. Mississippi*, 410 U.S. 284 (1973): The right to present a defense is “a fundamental element of due process.”
- **S.D. Const. Art. VI, § 7**: “In all criminal prosecutions the accused shall have the right... to defend in person and by counsel...”

Violation: The prosecution’s motions, taken collectively, constitute a systematic denial of Tyler’s **right to present a full and fair defense**, amounting to **constructive gagging** of the accused.

D. Violation of the Ninth and Tenth Amendments – Retained Natural Rights

Attempts to compel Tyler into using only state-sanctioned language, prevent private trust records, and suppress his self-directed legal path are clear violations of his retained rights as a man.

Authorities:

- **U.S. Const. amend. IX**: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”
- **U.S. Const. amend. X**: “The powers not delegated... are reserved to the States respectively, or to the people.”

Am. Jur. 2d, Constitutional Law § 329: “The Ninth Amendment recognizes that the people retain unenumerated rights beyond those expressly granted in the Constitution.”

Violation: The State’s effort to command Tyler’s thought, narrative, and legal expressions constitutes a **gross usurpation** of retained sovereignty.

E. Violation of the Eleventh Amendment – Immunity and Federal Preemption

Because Tyler has filed **federal claims** against state officers (including Judge Klinger) involving the **same subject matter**, the Eleventh Amendment prohibits continued action or adjudication of these same issues in state court.

Authority:

- **U.S. Const. amend. XI**
- *Alden v. Maine*, 527 U.S. 706 (1999)
- *Hans v. Louisiana*, 134 U.S. 1 (1890)

Violation: By refusing to recuse and continuing to adjudicate matters of **federal trust litigation**, the state is operating in **direct contradiction to constitutional structure and preemption doctrine**.

F. Violation of Article III and Due Process – Biased and Adverse Forum

- Tyler has placed **repeated judicial notices of conflict of interest**;
- The judge remains **an active defendant** in federal proceedings;
- No neutral magistrate is available.

Tumey v. Ohio, 273 U.S. 510 (1927): “A fair trial in a fair tribunal is a basic requirement of due process.”

This case is proceeding without lawful judicial neutrality. **All rulings and motions are infected by bias**, and should be struck as the fruits of structural constitutional error.

Each of the State’s motions is a **direct affront to fundamental rights** secured by the Constitution and state law. Their purpose is not legal adjudication but **coercion, silencing, and abuse of process**, placing the entire prosecutorial strategy in **constitutional jeopardy**.

Purpose of Filing

This analysis is not presented for adjudication by this tribunal, which is already divested of jurisdiction due to fatal defects in authority, standing, and oath. Rather, each evidentiary section and motion analysis is included solely as part of a lawful and anticipatory record for future civil and criminal prosecution of the prosecuting attorneys, state officers, and court actors involved, pursuant to 42 U.S.C. §§ 1983, 1985, 18 U.S.C. §§ 241, 242, and other applicable remedies under equity, common law, and international covenant protections. These summaries serve as exhibits in support of lawful redress and do not constitute waiver, appearance, or litigation of the substance in this tainted forum.

Prosecutorial Misconduct, Bad Faith, And Abuse of Process

The cumulative filing of at least **13 prosecutorial motions** against Tyler-Jay: Stoeser-Calkins©™, each of which seeks to limit, obstruct, or outright suppress lawful defenses, evidentiary narratives, and constitutional protections, demonstrates a **clear pattern of prosecutorial misconduct**, undertaken in **bad faith**, with **malicious intent**, and constituting an abuse of process.

These filings are not based on law, truth, or justice, but on **procedural gamesmanship, coercive leverage, and strategic silencing**, violating fundamental principles of fairness under **common law, constitutional law, and professional standards**.

A. Pattern of Obstruction and Suppression of Evidence

The following motions collectively aim to **exclude entire categories of exculpatory evidence**, including:

- The **probate and partitioning** of family estate lands (Motion re Probate);
- **Judicial conflicts of interest** (Motion in Limine re Improper Motive);
- **Third-party culpability** and evidence pointing to others (Motion re Third-Party Perpetrators);
- **Mitigating context** around character, trauma, or personal history (Character/Acts Motion);
- **Alibi defense evidence**, requested to be precluded preemptively;
- **ADA-related auxiliary aids** and access accommodations (via prior court behavior, not yet formally motioned by the State but mirrored in prior denials).

These tactics **mirror prosecutorial strategies deemed unconstitutional** in a range of cases:

- *Brady v. Maryland*, 373 U.S. 83 (1963): Suppressing favorable evidence violates due process;
- *Giglio v. United States*, 405 U.S. 150 (1972): Failure to disclose information affecting credibility is misconduct;
- *United States v. Olsen*, 704 F.3d 1172 (9th Cir. 2013): Prosecutors must not act as “zealous partisans” unconcerned with justice.

The prosecutor here is not seeking the truth—but rather, seeking to suppress it.

B. Improper Intent to Mislead the Court and Muzzle the Defendant

The prosecution has filed motions that:

- Mischaracterize lawful legal argument (e.g., as “improper motive” or irrelevant character evidence);
- Assert procedural dominance over topics that are **core to the defense’s case theory** (e.g., partition fraud, estate trust violation);
- Seek to bar **any reference to judicial conduct**, even when the judge has a conflict of interest;
- Demand foreknowledge of any insanity, alibi, or penalty-related argument—even before voir dire begins.

This behavior falls squarely within the definitions of:

- **Prosecutorial overreach** (see *Berger v. United States*, 295 U.S. 78 (1935): “[A prosecutor’s] interest... is not that it shall win a case, but that justice shall be done.”)
- **Abuse of process** (intentional misuse of legal procedures for illegitimate purposes);
- **Color of law violation**, 18 U.S.C. §242: “Whoever... under color of any law... willfully subjects any person... to the deprivation of any rights... shall be fined or imprisoned.”

C. Violation of Professional Standards and Ethical Rules

According to:

- **South Dakota Rules of Professional Conduct**, Rule 3.8 (Special Responsibilities of a Prosecutor);
- **American Bar Association (ABA) Standards for Criminal Justice, Prosecution Function**, 3-1.2, 3-1.4;
- **Corpus Juris Secundum**, Vol. 63C, § 103 (Prosecutors must not “seek conviction at any cost”).

The prosecutor is forbidden from:

- Prosecuting without probable cause;
- Failing to disclose exculpatory information;
- Making unnecessary or oppressive pretrial motions;
- Using the procedural system to “wear down” the defense or **coerce unlawful plea deals**.

Multiple motions here, especially those aiming to silence estate discussion, bar family witnesses, and exclude judicial conflict, **cross this line**.

D. Evidence of Actual Malice and Targeting

This prosecution appears motivated not by criminal justice, but by:

- A **retaliatory desire** to protect other state actors (including Judge Christina Klinger) from exposure in a pending federal case;
- An effort to **legitimize prior fraudulent acts**, including estate partitioning and seizure of property;
- Use of lawfare and procedural attrition to **break down a layman litigant** exercising his retained rights.

This pattern of conduct is **malicious prosecution**, as defined in *Am. Jur. 2d Malicious Prosecution* § 6:

“Malice in law may be inferred from a want of probable cause... or from conduct so reckless or wanton as to show a disregard of the accused’s rights.”

E. Consequences of Misconduct and Remedies Available

The prosecutor’s acts give rise to multiple lawful remedies, including:

- **Striking all motions** submitted in bad faith or with improper purpose (Fed. R. Crim. P. 12(f); SDCL Ch. 23A);
- **Dismissal of the case** under Rule 12(b)(3) for constitutional violation;
- **Bar complaints and civil rights actions** under 42 U.S.C. § 1983;
- **Estoppel by misconduct**, barring the State from asserting procedural advantages while hiding misconduct;
- **Equitable sanctions** including injunctive relief or abatement of proceedings entirely.

Conclusion of Section IV:

This is not prosecution in good faith—it is a **campaign of suppression, retaliation, and abuse of law**, clothed in the pretense of criminal procedure. It is time this Court recognized the **pattern and motive**, and ceased to act as an arm of a rogue prosecutorial enterprise.

Equitable Grounds and Remedies in Abatement or Nullification

This Court, though operating under statutory authority, remains subject to **equity jurisdiction**—the ancient judicial capacity to intervene when legal processes are abused or when justice demands intervention beyond the rigidity of black-letter law. Equity exists to **correct, restrain, and prevent injustice**—particularly where one party seeks to abuse the law for wrongful purposes.

In this matter, Tyler-Jay: Stoeser-Calkins©™, sui juris, invokes the **equitable powers of the Court** to abate, strike, or nullify all prosecution motions as **void, oppressive, and offensive to equity and natural justice**.

A. The Maxims of Equity Demand Intervention

Fundamental maxims of equity compel the dismissal or striking of these malicious filings:

- **Equity will not suffer a wrong without a remedy.**
- **Equity regards substance rather than form.**
- **He who comes into equity must come with clean hands.**
- **Equity abhors a forfeiture.**
- **Equity will not aid a wrongdoer.**

The prosecution here has failed every equitable test. It comes before the court **with unclean hands**, seeks forfeiture of rights, and weaponizes process not to seek justice—but to **suppress the truth and obstruct due process**.

B. Equity Rescues Against Color-of-Law Abuse

The **color-of-law doctrine** arises when an actor **cloaks themselves in lawful authority** while committing **unlawful acts**. Equity recognizes this deceit and allows a court of conscience to intervene when:

- The forms of law are used to commit fraud;
- Authority is claimed without valid delegation or standing;
- The rights of a man are infringed through policy or misuse of administrative tools.

Blackstone's Commentaries (Volume 3) teach that equity “protects against oppression under the guise of law.” This includes when:

“Magistrates exercise their powers for private gain, factional interests, or to evade just scrutiny.”

This prosecutorial campaign violates every equitable standard.

C. Equity Overrides Procedural Wrongs Where Legal Remedies Fail

When legal remedy is unavailable, inadequate, or delayed, equity can:

- **Abate or enjoin further proceedings** that threaten irreparable harm;
- **Strike or vacate filings** made in bad faith;
- **Issue writs**, such as *Quo Warranto* or *Writ of Abatement*, to challenge authority;
- **Grant declaratory relief**, acknowledging the defendant's retained natural and equitable rights;
- **Hold officers personally accountable** for extra-judicial conduct.

In *Am. Jur. 2d Equity* § 1, it is established:

“Equity intervenes where legal remedies would be harsh, unjust, or contrary to natural right.”

No criminal rule may shield malice; no court policy may override conscience.

D. Notice to the Court: You Sit in Dual Capacity

This Court sits both **at law and in equity**, and where the two conflict—**equity prevails**. The Constitution itself, by its language in Article III, § 2, recognizes both “**Law and Equity**” as federal jurisdictions, mirrored in all state systems.

Thus, the Court is bound not only by procedural rules (e.g., SDCL Title 23A) but also by **higher principles** of justice and **constitutional equity**.

Failure to act equitably in the face of knowing injustice becomes an abdication of duty and invites:

- **Reversal on appeal**;
- **Civil rights liability** under 42 U.S.C. § 1983;
- **Personal liability** under *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971);
- **Sanctions and judicial discipline** for aiding prosecutorial misconduct.

E. Remedies Sought in Equity

Accordingly, the following equitable relief is demanded:

1. **Immediate abatement** of all malicious prosecutorial motions;
2. **Injunctive relief** against further motion practice unless good faith is shown;
3. **Striking of all filings** made with improper purpose;
4. **Recognition of the constitutional and equitable standing** of Tyler-Jay: Stoeser-Calkins©™ as a man—not an artificial person;

5. **Restoration of all defenses and admissible evidence** wrongly precluded;
6. **Sanction, referral, or notice** to appropriate oversight bodies for prosecution misconduct and abuse.

This Court must act—not merely as a referee of process, but as a **guardian of justice**. The filings before it are not merely procedurally flawed—they are **fraudulent in intent, oppressive in effect, and repugnant to every equitable standard**.

If equity is to mean anything, it must intervene now.

Summary of Violations in Statutory and Constitutional Code

This section catalogs the **specific statutory, constitutional, and jurisprudential** violations committed by the prosecution and court officers in the filing and enforcement of the motions now sought to be stricken. These violations form the lawful and equitable grounds for **nullification, estoppel, sanctions, and full dismissal with prejudice**.

A. Violations of the United States Constitution

1. First Amendment (U.S. Const. amend. I)

- **Suppression of speech and redress:** Prosecution has attempted to preclude Tyler from expressing his defense and from referencing matters of personal, familial, or estate interest—violating his right to speak and petition the government.
- **Censorship of content and context:** The motions in limine collectively aim to block historical and truthful expression related to estate malfeasance and family trusts, impeding speech in a public forum.

2. Fourth Amendment

- **Unlawful seizure of property** (including the truck, guns, phone, and private documents), lacking valid warrant process or oath supported by first-person affidavit with personal knowledge.
- **Invasion of privacy:** Tyler's private safe and communications were compromised without due process.

3. Fifth Amendment

- **Due process violations:** The court has proceeded without ensuring notice, proper service, and lawful jurisdiction, depriving Tyler of liberty and property without lawful procedure.
- **Self-incrimination risk:** Prosecution's discovery and notice demands may force disclosure of matters intended for protected defense, violating the right to silence.

4. Sixth Amendment

- **Right to confront accusers denied:** Motions seek to limit witness testimony, suppress facts, and curtail defense participation.
- **Right to a public and impartial trial undermined** by attempts to sanitize narrative, restrict evidence, and pre-ordain jury exposure through protective orders.

5. Eighth Amendment

- **Cruel and unusual abuse of process:** The persistent flood of motions, each aiming to corner and isolate the defendant, constitutes legal terrorism and abuse of procedure as a form of intimidation.

6. Ninth Amendment

- **Retained rights ignored:** Tyler's unenumerated rights—natural, equitable, and trust-based—have been unlawfully subordinated to mere prosecutorial convenience and administrative fiat.

7. Tenth Amendment

- **Overreach of state power:** The State has operated without delegation of authority to partition estates, override family trust governance, or act as a third-party arbiter between private heirs.

8. Eleventh Amendment

- **Immunity breach:** The State's participation in a private matter involving an active federal trust proceeding, while simultaneously acting as an adverse party, violates sovereign separation and comity doctrine.

9. Article III, § 2

- The court has ignored the dual jurisdiction of **law and equity**—opting instead to operate solely through statutory mechanics without constitutional basis or equitable correction.

B. Violations of Federal Statutory Law

1. 42 U.S.C. § 1983

- **Deprivation of rights under color of law.** The prosecution's systematic use of motions to limit defense, prevent testimony, and control the narrative constitutes actionable civil rights violations.

2. 18 U.S.C. § 241 / § 242

- **Conspiracy against rights / Deprivation of rights under color of law.** Multiple actors have conspired to deprive Tyler of due process, property, fair trial rights, and equal access, all under pretense of lawful process.

3. Americans with Disabilities Act (ADA), Title II (42 U.S.C. §§ 12131–12134)

- **Refusal to accommodate protected needs** for recording, comprehension aids, and trauma-based participation in proceedings.
- **Failure to engage in the “interactive process”** or provide alternate reasonable modifications.

4. Federal Rules of Criminal Procedure

- **Rule 12(f)**: Motions “to harass, delay, or multiply proceedings” are forbidden. Many of the prosecution’s filings are redundant, abusive, and procedurally unnecessary.
- **Rule 16(b)**: Prosecution demands reciprocal discovery without honoring the same duty toward defense, creating an asymmetrical and abusive exchange.

C. Violations of South Dakota Codified Laws (SDCL)

1. SDCL 23A-13-1 through 23A-13-10 (Discovery)

- Prosecution exceeds authority by demanding discovery beyond the limits prescribed, attempting to force defense into strategic exposure without reciprocal transparency.

2. SDCL 23A-22-3 (Right to Witnesses)

- State’s attempt to sequester defense witnesses and prevent third-party perpetrator evidence directly conflicts with the accused’s right to present a full defense.

3. SDCL 15-6-12 (Motions)

- Motions in limine used to **preemptively block entire categories of truth** violate both state procedural rules and equity principles.

D. Violations of Equity, Trust, and Estate Law

1. Breach of Fiduciary Trust Oversight

- The State has interfered with estate matters governed by a **Family Limited Partnership (FLP)**, despite lacking any authority to partition or reassign interests therein.

2. Improper Adjudication of Private Contracts

- **FLP agreements and testamentary documents** have been disregarded in favor of court-forced outcomes without consent or standing—violating foundational principles of equity.

3. Equitable Estoppel

- The prosecution should be barred from continuing any action in this matter under the doctrine of **equitable estoppel**, given:
 - Failure to disclose material conflicts;

- Attempt to mislead or suppress historical facts;
- Acts inconsistent with fiduciary honesty.

E. Citations from Authoritative Secondary Sources

American Jurisprudence (Am. Jur. 2d)

- **Am. Jur. 2d Criminal Law § 35:** “A prosecution must rest on lawful jurisdiction and valid charging documents.”
- **Am. Jur. 2d Equity § 1:** “Equity intervenes where legal remedies would be harsh, unjust, or contrary to natural right.”

Corpus Juris Secundum (C.J.S.)

- **C.J.S. Criminal Law § 17:** “No prosecution may proceed where due process is absent or impaired by institutional conflict.”
- **C.J.S. Equity § 89:** “Equity compels relief against oppression under the color of lawful procedure.”

Statutes at Large

- **Enrolled laws concerning Due Process and Trust Recognition**, as incorporated in foundational estate doctrines and codified constitutional enactments.

Order of Final Abatement

Let it be placed on the public and judicial record:

This is **not a request**, nor is it a petition for discretionary leniency or favor. This is a **lawful and mandatory demand for relief**, supported by the weight of constitutional authority, controlling statutes, equity jurisdiction, and established legal doctrine.

The prosecution has demonstrated:

- **No lawful standing** under Article III jurisdiction,
- **No valid claim under color of state authority** per the Eleventh Amendment,
- **No procedural legitimacy** in alignment with either the Federal Rules of Criminal Procedure or SDCL mandates,
- And has instead acted under **fraudulent pretense, commercial hostility, and retaliatory color of law**, in violation of every enumerated right and protection of the living man, Tyler-Jay: Stoesser-Calkins©™.

Therefore:

A. Final Order of Abatement

Let it be declared, and so ordered in honor and law, that:

1. **All motions** filed by the State in this matter, including but not limited to all “motions in limine,” “demands,” “protective orders,” “reciprocal discovery,” and “sequestration requests,” are hereby **stricken in full**, with prejudice and without leave to refile.
2. These instruments, having arisen from **prosecutorial bad faith, lack of jurisdiction, material conflicts of interest, and denial of constitutional safeguards**, are deemed **null, void, and ab initio**—as if they had never been lawfully filed.
3. The continued prosecution of this case under current pretenses constitutes a **gross miscarriage of justice**, rising to the level of:
 - o **Prosecutorial misconduct**;
 - o **Civil rights violations (42 U.S.C. §§ 1983, 1985)**;
 - o **Fraud upon the court**;
 - o And actionable **equity trespass** upon the sacred trust rights of the Calkins family.

B. Mandated Consequences and Estoppel

In accordance with the doctrine of **clean hands, judicial estoppel**, and **collateral estoppel**, the following shall apply:

1. **The State is estopped** from reasserting any of the stricken motions or reintroducing the same material objections under different labels.
2. Any further prosecutorial filings **originating from the same tainted procedural line** shall be deemed presumptively invalid and potentially **sanctionable** under both state and federal judicial standards.
3. All officers involved in these filings, including but not limited to **Assistant Attorney General Ann Mahar**, are now placed on **constructive and actual notice** of these violations and held to full commercial, civil, and fiduciary liability under:
 - o **28 U.S.C. § 2671 et seq. (Federal Tort Claims Act)**;
 - o **18 U.S.C. § 241, § 242 (civil rights violations)**;
 - o **SDCL 20-9-1 and 20-9-2 (state tort law)**;
 - o And binding ethical rules under the **Rules of Professional Conduct**, as incorporated into **SDCL 16-18-1 et seq.**
4. **Further interference**, obstruction, or retaliation following this Order of Final Abatement shall constitute grounds for:
 - o **Federal removal proceedings** under 28 U.S.C. § 1443;
 - o **Quo warranto challenge** against individual officeholders;
 - o And immediate motion for sanctions and injunctive relief in federal equity court.

C. Declaration of Peace and Demand for Redress

Let the record reflect:

The undersigned stands as a **living man**, sui juris, non-combatant in any commercial code war, and sovereign in rights, capacity, and conscience.

This demand arises not from hostility but from necessity—for the protection of:

- **An endangered family legacy;**
- **The inviolable right of self-defense;**
- And the **doctrine of repose**, whereby all men are entitled to peace, dignity, and remedy when wronged.

Let no man, woman, or officer misunderstand:

This matter is now abated in law, and only a lawful and fully jurisdictional showing, supported

EXHIBIT LIST

Motion to Strike All Prosecution Motions

Exhibit No. Title of Prosecution Motion Grounds for Strike Reference Summary

Exhibit A

Title: STATE'S MOTION IN LIMINE RE PROBATE OF THE ESTATE OF ROBERT CALKINS & BARB STOESER

Grounds: Irrelevant civil probate matter; prejudicial; constitutional overreach

Summary: Attempts to suppress evidence related to family trust, despite being core to the factual background. Violates due process and prevents fair narrative presentation.

Exhibit B

Title: STATE'S MOTION IN LIMINE RE CHARACTER AND OTHER ACTS EVIDENCE – MOTION FOR DEADLINE

Grounds: Overly broad suppression; violates 6th Amendment right to present a full defense

Summary: Seeks to block relevant historical context and family patterns of behavior necessary to establish Tyler's state of mind and motive.

Exhibit C

Title: STATE'S MOTION IN LIMINE RE THIRD-PARTY PERPETRATOR EVIDENCE

Grounds: Unlawfully restricts viable defense strategy; denial of confrontation rights

Summary: Attempts to block legitimate inquiries into alternative suspects or contributing actors, violating both equity and criminal procedural fairness.

Exhibit D

Title: STATE'S MOTION TO SEQUESTER DEFENSE WITNESSES

Grounds: Misuse of Rule 615; chilling effect on testimony coordination

Summary: Seeks to impair defense witness access under pretext of sequestration. Lacks specific justifications and violates equitable preparation rights.

Exhibit E

Title: STATE'S MOTION FOR DISCLOSURE OF DEFENSE WITNESSES AND EXHIBITS

Grounds: Demands asymmetrical discovery beyond Rule 16 requirements

Summary: Weaponizes disclosure timelines while failing to offer reciprocal good faith, violating Brady and Jencks standards.

Exhibit F

Title: STATE'S MOTION FOR RECIPROCAL DISCOVERY

Grounds: Demands excess under guise of reciprocity; overlooks State's own noncompliance

Summary: Prosecutor has failed to fully disclose exculpatory materials while demanding overbroad disclosures from defense.

Exhibit G

Title: STATE'S MOTION FOR LEAVE TO FILE ADDITIONAL MOTIONS

Grounds: Procedural abuse; creates shifting goalposts

Summary: Filed late and vaguely, with intent to prejudice and stall defense preparation. Violates principles of due process and orderly prosecution.

Exhibit H

Title: STATE'S MOTION IN LIMINE RE IMPROPERLY MOTIVATED PROSECUTION

Grounds: Attempt to immunize prosecution from constitutional scrutiny

Summary: Preemptively blocks any argument that prosecution is retaliatory or malicious—an overreach designed to insulate bad-faith conduct.

Exhibit I

Title: STATE'S MOTION TO DISCLOSE COMPLETE JURY QUESTIONNAIRE FORM AND REQUEST FOR PROTECTIVE ORDER

Grounds: Lacks necessity; invades privacy without showing compelling interest

Summary: No basis under SDCL or Federal Rule justifies full disclosure and sealing simultaneously; contradictory and chilling.

Exhibit J

Title: STATE'S MOTION IN LIMINE RE REFERENCE TO PENALTY OR PUNISHMENT

Grounds: Undermines jury's moral function in assessing guilt

Summary: Seeks to limit jurors' awareness of the real consequences of their verdict, contrary to public accountability and jury nullification principles.

Exhibit K

Title: STATE'S MOTION IN LIMINE RE ALIBI DEFENSE

Grounds: Baseless as no clear timeline is defined in charging documents

Summary: Attempts to box in the defense before discovery is complete; violates due process.

Exhibit L

Title: STATE'S DEMAND FOR NOTICE OF INSANITY DEFENSE

Grounds: Unwarranted and speculative

Summary: No factual basis supports this demand. Appears to be a stigmatizing tactic aimed at undermining the credibility of the defendant.

VIII. Verification, Jurat, and Notarial Seal**Verification of Truth and Notice**

I, Tyler-Jay: Stoesser-Calkins©™, a living man, competent to testify, do hereby solemnly verify that all statements, claims, facts, exhibits, and declarations contained within this **Motion to Strike All Prosecution Motions** are true, correct, and complete to the best of my firsthand knowledge, understanding, and belief, and are made in good faith under penalty of perjury under the laws of the United States of America and the State of South Dakota.

This Verification and accompanying Motion are made not as a request for permission, but as a lawful Notice, Affidavit, and Demand for immediate remedy, abatement, and full redress under equity, natural law, constitutional authority, and controlling statutory obligations.

All rights reserved. Errors and omissions excepted.
UCC 1-308 | Non-Assumpsit | No Joinder

Executed on the land and soil of South Dakota Republic,
This _____ day of _____, 2025.

By:

Tyler-Jay: Stoesser-Calkins©™
Living Man | Private Trust Beneficiary
Non-Domestic | Without Prejudice | No U.S. Person Status

Jurat and Notarial Attestation

State of South Dakota
County of _____

Subscribed, affirmed, and sworn to before me this _____ day of _____, 2025,
by Tyler-Jay: Stoesser-Calkins©™, who is personally known to me or has provided satisfactory proof of
identity.

[Seal]

Notary Public, State of South Dakota _____

My Commission Expires: _____