

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

FREDERICK SMITH

PLAINTIFF

v.

Case No. 3:16-cv-00089-KGB

**U.S. DEPARTMENT OF EDUCATION;
BRIAN BEERS; and
PHILLIP CARTER**

DEFENDANTS

ORDER

Before the Court is plaintiff Frederick Smith's complaint against defendants Sergeant Barry Roy, Lieutenant Tim K. Knuckles, Lieutenant Shawn Gardner, and the Arkansas State Police Department. Also before the Court is Mr. Smith's motion to proceed *in forma pauperis* and motion styled as "declaration of exempt filing fee status." On March 2, 2018, Mr. Smith originally tendered to the Clerk for filing his complaint and motions. On March 12, 2018, Mr. Smith tendered to the Clerk for filing a motion for the Clerk of Court to initiate service of process. Copies of these documents are attached to this Order. Mr. Smith tendered to the Clerk for filing a proposed scheduling order with notice of jury trial sought and a demand for jury trial. Mr. Smith is on the restricted filers list maintained by the Clerk of the Court. Based on this status, the Court must first review Mr. Smith's complaint and motion to proceed *in forma pauperis*. Based on Mr. Smith's application, he has neither the funds nor the income to pay the filing fee. Therefore, the Court grants Mr. Smith's motion to proceed *in forma pauperis* and will permit Mr. Smith to proceed without prepayment of the filing fee.

The Court notes that Mr. Smith's current complaint is against defendants that are not named in the present case. The Court includes Mr. Smith's current complaint under this case because the current complaint is duplicative of past complaints filed by Mr. Smith. Also, Mr. Smith tendered

to the Clerk the current complaint against Sergeant Roy, Lieutenant Knuckles, Lieutenant Gardner, and the Arkansas State Police Department in conjunction with a separate complaint that is against the defendants originally named under this case, Phillip Carter, Special Agent Brian Beers, and the United States Department of Education.

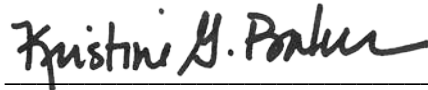
Based on Mr. Smith's status as a restricted filer and based on the filings he has submitted for consideration, this Court determines that Mr. Smith may not proceed with his claims because his current claims are duplicative of a complaint previously filed by Mr. Smith. "[28 U.S.C. §] 1915(d) allows federal courts to dismiss frivolous or malicious actions that are filed in forma pauperis," including "duplicative complaints." *Aziz v. Burrows*, 976 F.2d 1158, 1158 (8th Cir. 1992). The Court finds that the complaint filed by Mr. Smith is duplicative of the complaints filed by Mr. Smith in *Fredrick Smith v. Rick G. McKelvey and Arkansas State Police Department*, 3:16-cv-00010-DPM (E.D. Ark. February 3, 2016), and *Fredrick Smith v. United States Department of Education, et al.*, 3:16-cv-00089-KGB (E.D. Ark. May 24, 2016).

In *Fredrick Smith v. Rick G. McKelvey and Arkansas State Police Department*, Judge D.P. Marshall, Jr., dismissed Mr. Smith's complaint because it did not pass the screening requirements. Case No. 3:16-cv-00010-DPM, 2 (E.D. Ark. February 3, 2016). In the complaint, Mr. Smith sued a state police officer in his official capacity solely for monetary damages. *Id.* Judge Marshall reasoned that Mr. Smith's claims failed because the police officer was protected against monetary damages by the Eleventh Amendment. *Id.* Judge Marshall further reasoned that Mr. Smith did not have a private cause of action against defendant based on claims brought under criminal statutes. *Id.* In *Fredrick Smith v. United States Department of Education, et al.*, Judge Marshall also dismissed Mr. Smith's complaint without prejudice because it did not pass the screening requirements. Case No. 3:16-cv-00089-KGB, 4-5 (E.D. Ark. May 24, 2016). Judge Marshall

reasoned that Mr. Smith failed to plead sufficient facts to support his claims under 18 U.S.C. § 1964 (Racketeer Influenced and Corrupt Organizations, “RICO”) and 15 U.S.C. § 1 (Sherman Antitrust Act). *Id.* In his complaint currently before the Court for consideration, Mr. Smith fails to plead enough facts to support his claims under RICO and the Sherman Antitrust Act because his factual allegations do not mention any of the named defendants. Instead, for his claims under RICO and the Sherman Antitrust Act, Mr. Smith only alleges facts relating to Ricky McKelvey, who was previously sued by Mr. Smith but not named as a defendant in the present action.

In the complaint currently before the Court for consideration, Mr. Smith has raised issues directly related to those alleged and dismissed in his complaint filed in a previous case. He has not cured the deficiencies cited by Judge Marshall in the prior cases cited by this Court. Therefore, for these reasons, the Court declines to permit Mr. Smith to proceed with this action and dismisses without prejudice Mr. Smith’s proposed complaint in this action.

It is so ordered this the 25th day of April, 2018.



Kristine G. Baker
United States District Judge

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 02 2018

DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DIVISION OF ARKANSAS

LITTLE ROCK, AR

Case: _____

JAMES W. McCORMACK, CLERK

By: *Julie H. [Signature]*
DEP. CLERK

Frederick Smith

Vs.

Sargent Barry Roy Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

Lieutenant Tim K. Knuckles Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

Lieutenant Shawn Gardner Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

ARKANSAS STATE POLICE DEPARTMENT 1State Police Plaza, Little Rock, AR, 72209

ILLEGAL ENTERING PETITIONER
INTO THE FBI "NCIC" CRIMINAL REGISTRY SYSTEM
• FRAUD By State Police Officer •

COMES NOW; Petitioner to complain and show of criminal actions by a State Police Officers who created Computer fraud, False Statements and other actions in violation of Arkansas Law.

FACTS

- 1 It has been established that, Barry Roy; Tim Knuckles, Shawn Gardner participated in the smearing of public vistas of petitioner, damaging the good name of petitioner, by having the entering of the name of "Fred Smith" a State Representative into the "National Database" as a "Convicted Felon" with charges showing: "FUGITIVE FROM JUSTICE" where petitioner has never been, by email is a complete criminal act.
- 2 Petitioner has never been 'sentenced' to become a 'fugitive from justice' nor has petitioner ever been "Convicted" of any crime or been a "Felon". Defendants Barry Roy; Tim Knuckles, Shawn Gardner devoted a certain amount of energy to destroy the character, integrity, good name of Fred Smith without cause that a reasonable person would be able to rationalize to the effect of the deliberate action in conspiracy with other State officials and from personal biased & prejudice when no crime by Fred Smith was committed.
- 3 Defendants. Barry Roy; Tim Knuckles, Shawn Gardner gained advantage from where by email they met in secret, and by email [see attached] to discuss the demise of Fred Smith's good name. They conspired to do so from prejudice and biasness where Barry Roy; Tim Knuckles, Shawn Gardner had entered Fred Smith in the NCIC back in 2009 and held it for 2 years. When Fred Smith was reinstated from his constituency of district 50 of Arkansas, the question as to why did defendants go out of their way to place petitioner into the National Criminal Database – NCIC, jumping over the State Criminal Database – ACIC, shows a clear and concise disregard of justice, the

law, the rules of law, the ethics of their job, the Constitution of Arkansas, and finally complete disregard for the Constitution of the United States and petitioners Article 4, Sec. 2 Privileges & Immunities.

- 4 As Officers of the State being State Police officers, it is petitioners comprehension that if Fred Smith was guilty of any wrong doing, whatsoever, a "investigation" was to be conducted to determine if any 'criminal' charges were to be sought where a State Police Officer could lawfully arrest petitioner from a ruling as to Fred Smith's behavior "Fugitive From Justice" claim instead of make a legal determination under **color of law** and process a color of law NCIC number: 2009090613 simply to abuse Fred Smith.
- 5 **Article 1 sec. 13** of the Arkansas Constitution states: *Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the law.* Defendants Barry Roy; Tim Knuckles, Shawn Gardner for the STATE POLICE DEPARTMENT and _____ who gave a State Police Officer the order to go to the computer terminal after hours and enter "Fred Smith" into the NCIC not the ACIC database to show him as a 'fugitive from justice' when there was and is no court order showing Fred Smith being a "Convicted Felon".
- 6 Since Defendants Barry Roy; Tim Knuckles, Shawn Gardner did this on their own with instruction of "Willful Blindness" looking the other way, of the Secretary of State/Chairman Democratic Party and Governor [former] to take Fred Smith down was the communication discussed between the parties in the email attached. This act violated the Constitution of Arkansas; Article 4, sec. 2 Constitution of the United States; laws of Arkansas and even the "Policy and Custom" for entering persons into the NCIC.
- 7 Fred Smith by Barry Roy; Tim Knuckles, Shawn Gardner s' direct action where the media who slandered Fred Smith by printing a story he was convicted and had a copy of his picture in the news i.e. *Photo* by Staton Breidenthal *article* by Sarah D. Wire of the "Arkansas Democratic Gazette".
- 8 A State Police Officer by email attached stated "I have now got Fred Smith entered NCIC on a warrant for theft of property lost, misled, or delivered by mistake. I am going through you because I was instructed by the LT. thanks". The LT is law enforcement talk for "Lieutenant"; where it is now known that there were 2 lieutenants: Shawn Gardner and Tim Knuckles, are the ones who conspired to have Fred Smiths' name entered into the NCIC criminal data base when Fred Smith had never been convicted and today has not been Convicted but, went back to the seat as a Congressman. [see attached Certificate]

DELIBERATE DISREGARD OF STATE LAW

1 Barry Roy; Tim Knuckles, Shawn Gardner did not seek a copy of a grand jury indictment per *pre-requisite* AR 7-5-807(D).

2 There was no finding of guilt per AR 7-5-808, that would allow the actions taken by Barry Roy; Tim Knuckles, Shawn Gardner, who should have known or knew that you cannot make a charge and on his own as STATE POLICE OFFICER, recruit conspirators, OR that Governor knew or should have known, to conduct a meeting of the minds and devote time to make phone calls the local police of Mississippi to deprive the right of a State Representative and conspire against that right is treason against Arkansas State, republic.

3 The brains of this "Racketeering" is Thomas Deen who recruited Barry Roy; Tim Knuckles, Shawn Gardner where the three of them conspired by email and to put the name of Fred Smith into the NCIC without cause. By having the entering of his name into a National Database for National Crimes that petitioner was never charged in what so ever any time or anywhere. Furthermore, enter petitioners name in the ACIC which he did not because he wanted to "Punish" petitioner without cause, for the sake of the enterprise STATE POLICE DEPARTMENT and STATE OF ARKANSAS Governor.

4 Nor did Barry Roy; Tim Knuckles, Shawn Gardner pursuant to Article 5 sec. 9 filed a complaint after Fred Smith returned to his government seat in regards to the business of his constituents AR 7-5-805 or Constitution of Arkansas and Arkansas arrest procedures.

COMPUTER FRAUD

- 1 Barry Roy; Tim Knuckles, Shawn Gardner with a State Police Officer entered the name of petitioner into the national crime database NCIC they committed a "Computer Crime". Barry Roy; Tim Knuckles, Shawn Gardner influence by email did so without authorization from the State Police Commissioner, FBI or other Federal Government agency to do so, they just "Did it on a whim" with no regard for law, and in the absence of law.
- 2 Barry Roy; Tim Knuckles, Shawn Gardner action was "Deliberate" because petitioner was arrested by a State officer being he did not place the name of petitioner in the State Criminal database – ACIC Barry Roy; Tim Knuckles, Shawn Gardner went to the National Criminal Database to inflict Irreparable Harm, Criminal Intent, deliberate abuse of authority, willful criminal intent to damage, secret personal criminal damage.
- 3 Computer fraud is the use of a computer to take or alter data, or to gain unlawful use of computers or services. In the United States, computer fraud is specifically proscribed by the Computer Fraud and Abuse Act, which provides jail time and fines. Barry Roy; Tim Knuckles, Shawn Gardner as accomplices with a State police Officer entered the name Fred Smith into the NCIC database that only is for National Crimes of "Convicted Felons": NCIC is this: How NCIC is used: *Criminal justice*

agencies enter records into NCIC that are accessible to law enforcement agencies nationwide. For example, a law enforcement officer can search NCIC during a traffic stop to determine if the vehicle in question is stolen or if the driver is wanted by law enforcement. The system responds instantly. However, a positive response from NCIC is not probable cause for an officer to take action. NCIC policy requires the inquiring agency to make contact with the entering agency to verify the information is accurate and up-to-date. Once the record is confirmed, the inquiring agency may take action to arrest a fugitive, return a missing person, charge a subject with violation of a protection order, or recover stolen property. Herein, Barry Roy; Tim Knuckles, Shawn Gardner by communicative email attached shows a State police Officer got no verification; he was the one who put the information into the system to falsely show Fred Smith was a "Fugitive From Justice" which is horrific. Barry Roy; Tim Knuckles, Shawn Gardner knew that this was unlawful and illegal, but continued in their corrupt influence of the enterprise.

**KNOWINGLY OR RECKLESSLY
MAKING A FALSE REPRESENTATION**

- 1 Barry Roy; Tim Knuckles, Shawn Gardner by email had a state office enter an "intentional" false and misleading representation of a crime against petitioner to show he was absconding from a Court order or probation showing petitioner was a convicted Felon which he was not, into the NCIC computer system by going into the system where no one knew and created the crime of "FUGITIVE FROM JUSTICE" under "Booking Report Number" 2009090613 of Desoto County Sheriffs' Office behind the face of the Sheriff on September 23rd 2009 from no authorization to do so meaning no delegated order of authority.
- 2 This act of the State Officer was not his opinion, but his personal biased & prejudice willingness to violate the law, to take over the National Criminal Database and destroy the integrity of the Judicial System where he took on and became a "Vigilante of Justice" like *Charles Bronson's* movies; which is scary, chilling to the bone and frightful that a State Police of Arkansas in today's' climate of police brutality raging,... here in Arkansas too being no different than a State Police officer took over the legal system in Arkansas and became "The Enforcer".
- 3 To make petitioner his personal slave by orders from a State Official to do and commit such action shocks the conscious beyond mental reasoning.
- 4 The "Presently Existing Fact" was created and established by A State Police Officer without law, deliberately against petitioner with the intent to cause irreparable harm where his ultimate ends were justifiable as listed in *S. vs. Emerson, 259 P.2d 406 (1953)* by Barry Roy; Tim Knuckles, Shawn Gardner.
- 5 A State Police Officer deliberately put Fred Smiths' name in to the NCIC as a Fugitive from Justice is a Criminal act. Petitioner has not been involved in any

National crime action but was placed into the National Database to make him look like a "Criminal on The Run" by State Police Officer in that defendants went beyond the law, and abused their authority, "impersonated a Judge" by crafting the paper work showing Fred Smith 'guilty' and a fugitive from justice is fantastic.

FORGERY

- 1 A State Police Officer committed the false making or altering of a legally significant instrument with the intent to defraud by entering the name of petitioner into a National Criminal Database where petitioner was not a Federal Criminal with a record of a criminal Conviction nor was petitioner a State Criminal with a record of a criminal Conviction in Arkansas.
- 2 A State Police Officer claimed a "false authority" where he fraudulently and materially altered the NCIC Criminal Database *Gilbert vs. U.S., 370 U.S. 650 (1962)*.
- 3 The *Mens Rea* of Barry Roy; Tim Knuckles, Shawn Gardner was to enter petitioners name into the National Criminal Database and by pass the Arkansas Criminal Database to punish petitioner egregiously, matter-of-factly, to harm and give petitioner a criminal record where no past criminal behavior exists on petitioner was a clear and effective scheme of a State Police Officer with Barry Roy; Tim Knuckles, Shawn Gardner that rises to the level of RICO and petitioner here claims the cause of RICO against the Barry Roy; Tim Knuckles, Shawn Gardner, for the acts of respondent superior.

BREACH OF SECURITY AND MISCONDUCT ON DUTY

- 1 *NCIC Security and quality controls: The head of the CJIS Systems Agency—the criminal justice agency that has overall responsibility for the administration and usage of NCIC within a district, state, territory, or federal agency—appoints a CJIS Systems Officer (CSO) from its agency. The CSO is responsible for monitoring system use, enforcing system discipline and security, and assuring that all users follow operating procedures. NCIC policy establishes a number of security measures to ensure the privacy and integrity of the data. The information passing through the network is encrypted to prevent unauthorized access. Each user of the system is authenticated to ensure proper levels of access for every transaction. To further ascertain and verify the accuracy and integrity of the data, each agency must periodically validate its records. Agencies also must undergo periodic audits to ensure data quality and adherence to all security provisions. [Pursuant to FBI Web Site on NCIC].*
- 2 STATE POLICE DEPARTMENT who had a appointed CJS officer who was to monitor the system where they knew or should have known that a rogue State Police Officer who went against the "NCIC Policy" where he was "authenticated" but used that authorization for him and his conspirators desires to damage, harm, abuse, violate

petitioner without cause is racial profiling because when they removed petitioner they replaced him with a Caucasian in a predominated "African American" district of Arkansas.

- 3 Barry Roy; Tim Knuckles, Shawn Gardner as superiors failed to train, supervise, instruct, guide in the proper procedures of entering persons into the NCIC who are "Convicted Felons" and the aforementioned employer failed to instill and impart into State Police Officer "integrity" to mimic and copy for the sake of protecting the laws of Arkansas, Rights of the Citizens of Arkansas, Privileges & Immunities as possessed pursuant to Article 4, sec. 2 Constitution of the United States.
- 4 Barry Roy; Tim Knuckles, Shawn Gardner violated the proper levels of access for every transaction where they allowed, knew who entered false and misleading information to show petitioner was a 'Fugitive from Justice' where petitioner never went before a judge to be sentenced to probation or placed on parole... to not show up for his meeting and abscond to then be a "Fugitive From Justice", this never happened but State Police Officer from instructions Barry Roy; Tim Knuckles, Shawn Gardner to violate "Authenticated" status, damage the integrity of the data, and type in the system that Fred Smith is a "Fugitive From Justice" is a wicked, despicable, disgusting, rotten abuse of power to the 10th power, in complete disregard of law, Constitutions, policy and custom of FBI s' NCIC system.

CAUSE OF ACTION

33 This is also an action under AR 7-1-103; AR5-53-131; [42 USC 1983, 1985] for the deprivation of rights and denial of petitioner privileges and immunities afforded from Article 4, sec.2 Constitution of the United States Denied. Plaintiff also claims relief from within *RICO* and State and Federal Law i.e. [42 USC 1983]; Anderson v. United States 411 US 211(1974); 18 USC 241, 242; AR 7-1-103; AR5-53-131; 52 USCA 10301.

34 Rick McKelvey; Governor is a resident of Arkansas being mentioned nominally and sued separately in his individual & official capacities.

35 Governor was responsible for supervising the training, instruction, discipline, and conduct of STATE POLICE DEPARTMENT including, but not limited to training, instruction, discipline, control, and conduct concerning jurisdiction, Constitution of Arkansas provisions for PROTECTING Citizens rights to not be placed on BOLO list and profiled and arrested without any Court order, order, sentencing conviction to become a 'Fugitive From Justice' as listed in "Booking Report" 2009090613 of Desoto County.

36 RICK MCKELVEY, STATE POLICE DEPARTMENT; STATE OF ARKANSAS was responsible for instituting policy for the entering persons names into the NCIC or ACIC, which includes, but not limited to, setting policy guidelines for training for officers to enter convicted persons into the NCIC or ACIC where petitioner was not convicted to be subject and placed in the NCIC or ACIC so; who told Rick McKelvey to put petitioners name in the National instead of the Local or State system. Who told Rick McKelvey to put out a BOLO as a "Fugitive From Justice", what "Federal Crime" did petitioner violate or "Abscond" is evidence of a "Policy" and "Custom" to do this.

37 The established policy has created a custom to enter any person or Citizen who is free in enjoyment of right to travel, not be seized in Arkansas for any reason. STATE POLICE DEPARTMENT; STATE OF ARKANSAS is responsible for the established climate and custom that allows State Police Officers to use deliberate unreasonable entering the name into a National Crime database overstepping the State Criminal database for personal satisfaction because he wanted to in violating the AR 7-1-103; AR5-53-131; 42 USC 1983, 1985 and denying Petitioner access the 4th Amendment because petitioner is exercising his free enjoyment of the Constitution of the United States privilege, in connection with the Constitution of Arkansas.

38 STATE POLICE DEPARTMENT; is a political subdivisions of the State of Arkansas.

39 Under 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985, at all times pertinent, STATE POLICE DEPARTMENT; STATE OF ARKANSAS; was responsible for providing and maintaining advocacy of unlawful acts by groups or individuals against other persons or groups, in this case, by RICK MCKELVEY directly or indirectly allowed, authorized the provoking and inciting damage, creating false arrest database records, created false and misleading public notification database on petitioner, which action is not constitutionally protected, poses a threat to public order and Article 2, Sec. 8, 10, 13, 14, 15, 21, 27 Constitution of Arkansas, Article 4, sec. 2 Constitution of the United States and 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia, and should be subject to criminal sanctions; Also, the deliberate and willful intention of STATE POLICE DEPARTMENT of conduct behavior by depriving petitioners "due process".

40 STATE POLICE DEPARTMENT; STATE OF ARKANSAS has final policy making authority regarding the provisions on deprivation of rights and conspiracy against rights inter alia.

41 Defendants Governor and Rick McKelvey are residents of Arkansas. At all times Governor and Rick McKelvey were duly elected and hired and acting directors of STATE POLICE DEPARTMENT; STATE OF ARKANSAS

42 STATE POLICE DEPARTMENT; has allowed RICK MCKELVEY to perform the entering persons names into the NCIC and ACIC database, train workers, set policy, which has established certain customs that violate the Constitution of Arkansas and Constitution of the United States. By creating injury to the 42 USC 1983, 1985; Article 4, sec. 2 Constitution of the United States; Article 2, Sec. 8, 10, 13, 14, 15, 21, 27 Constitution of Arkansas inter alia.

43 At all times pertinent, some unknown person, Rick McKelvey conspired, as a group, had a meeting of the minds, possessing the power to allow petitioner to be safe by depriving his privileges & immunities and conspired against those or stop the established train of abuse committed by Rick McKelvey who was supposed to allow any Citizen un-deprived nor conspire against that of petitioner. They carry this authority to make sure all of the orders, rules, instructions, policies and regulations promulgated are with the meaning of 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia. They failed to stop the action that caused this suit of complaint, because they knew before hand to put out a BOLO and enter "Fred Smith" into the National Criminal Database skipping over the States Criminal Database thus verifying and perpetuating the violations listed and to be discussed or laid out.

the place to be searched, and the person or thing to be seized.

Rick McKelvey went out of his way, outside of his duty, to 'cause' the seizure of petitioner in his 'person', violates **Article 2, sec. 15, Constitution of Arkansas.**

47 Nor did Rick McKelvey pursuant to **Article 5 sec. 9 Constitution of Arkansas** filed a complaint after Fred Smith returned to his government seat in regards to the business of his constituents **AR 7-5-805 or Constitution of Arkansas and Arkansas arrest procedures.**

48 **Treason:** Rick McKelvey committed treason against Arkansas as explained in **Article 2, sec. 14 Constitution of Arkansas; *Treason against the State shall only consist in levying and making war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*** Where Rick McKelvey adhered the enemies of Arkansas because petitioner was a State Representative at the time, by entering his name into the "National Criminal Database" with no "conviction" as a "Fugitive From Justice" is absurd, shameful.

49 Article 2, sec. 27 was violated by Rick McKelvey when he "committed slavery" against petitioner that nor involuntary servitude, except as a punishment for crime. In that petitioner was punished for a crime that never was where he was subject to "involuntary servitude" in violation of the Constitution of Arkansas.

COMPUTER FRAUD

50 RICK MCKELVEY by entering the name of petitioner into the national crime database NCIC he committed a "Computer Crime". He did so without authorization from the FBI or other Federal Government agency to do so, he just "Did it on a whim" with no regard for law, because he had biased against petitioner being a 'State Representative' and in the absence of law.

51 His action was "Deliberate" because petitioner was arrested by a State officer being he did not place the name of petitioner in the State Criminal database – ACIC he went to the National Criminal Database to inflict Irreparable Harm, Criminal Intent, deliberate abuse of authority, willful criminal intent to damage, secret personal criminal damage.

52 Computer fraud is the use of a computer to take or alter data. or to gain unlawful use of computers or services. In the United States, computer fraud is specifically proscribed by the Computer Fraud and Abuse Act, which provides jail time and fines. Ricky McKelvey entered the name Fred Smith into the NCIC database that only is for National Crimes of "Convicted Felons": NCIC is this: How NCIC is used: *Criminal justice agencies enter records into NCIC that are accessible to law enforcement agencies nationwide. For example, a law enforcement officer can search NCIC during a traffic stop to determine if the vehicle in question is stolen or if the driver is wanted by law enforcement. The system responds instantly. However, a positive response from NCIC is not probable cause for an officer to take action. NCIC policy requires the inquiring agency to make contact with the entering agency to verify the information is accurate and up-to-date. Once the record is confirmed,*

the inquiring agency may take action to arrest a fugitive, return a missing person, charge a subject with violation of a protection order, or recover stolen property. Herein, McKelvey got no verification; he was the one who put the information into the system to falsely show Fred Smith was a "Fugitive From Justice" which is horrific.

KNOWINGLY OR RECKLESSLY MAKING A FALSE REPRESENTATION

53 Rick McKelvey entered an "intentional" false and misleading representation of a crime against petitioner to show he was absconding from a Court order or probation showing petitioner was a convicted Felon which he was not, into the NCIC computer system by going into the system where no one knew and created the crime of "FUGITIVE FROM JUSTICE" under "Booking Report Number" 2009090613 of Desoto County Sheriffs' Office behind the face of the Sheriff on September 23rd 2009 from no authorization to do so meaning no delegated order of authority.

54 This act of Rick McKelvey was not his opinion, but his personal biased & prejudice to take over the National Criminal Database and destroy the integrity of the Judicial System where took on and became a "Vigilante of Justice" like *Charles Bronson's* movies; which is scary, chilling to the bone and frightful that a State Police of Arkansas in today's' climate of police brutality raging.... here in Arkansas too being no different that a State Police officer Rick McKelvey took over the legal system in Arkansas and became "The Enforcer".

55 To make petitioner his personal slave by orders from a State Official to do and commit such action shocks the conscious beyond mental reasoning.

56 The "Presently Existing Fact" was created and established by Rick McKelvey without law, deliberately against petitioner with the intent to cause irreparable harm where his ultimate ends were justifiable as listed in *S. vs. Emerson, 259 P.2d 406 (1953)*.

57 Ricky McKelvey deliberately put Fred Smiths' name in to the NCIC as a Fugitive from Justice is a Criminal act. Petitioner has not been involved in any National crime action but was placed into the National Database to make him look like a "Criminal on The Run" by Ricky McKelvey in that defendant went beyond the law, and abused his authority, "impersonated a Judge" by crafting the paper work showing Fred Smith 'guilty' and a fugitive from justice is fantastic.

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58 Rick McKelvey committed the false making or altering of a legally significant instrument with the intent to defraud by entering the name of petitioner into a National Criminal Database where petitioner was not a Federal Criminal with a record of a criminal Conviction nor was petitioner a State Criminal with a record of a criminal Conviction in Arkansas.

59 Rick McKelvey claimed a "false authority" where he fraudulently and materially altered the NCIC Criminal Database *Gilbert vs. U.S., 370 U.S. 650 (1962)*.

60 The *Mens Rea* of Rick McKelvey was to enter petitioners name into the National Criminal Database and by pass the Arkansas Criminal Database to punish petitioner egregiously, matter-of-factly, to harm and give petitioner a criminal record where no past criminal behavior exists on petitioner was a clear and effective scheme of Rick McKelvey that rises to the level of RICO and petitioner here claims the cause of RICO against the STATE POLICE DEPARTMENT, RICK MCKELVEY, for the acts of respondent superior.

BREACH OF SECURITY AND MISCONDUCT ON DUTY

61 NCIC *Security and quality controls: The head of the CJIS Systems Agency—the criminal justice agency that has overall responsibility for the administration and usage of NCIC within a district, state, territory, or federal agency—appoints a CJIS Systems Officer (CSO) from its agency. The CSO is responsible for monitoring system use, enforcing system discipline and security, and assuring that all users follow operating procedures. NCIC policy establishes a number of security measures to ensure the privacy and integrity of the data. The information passing through the network is encrypted to prevent unauthorized access. Each user of the system is authenticated to ensure proper levels of access for every transaction. To further ascertain and verify the accuracy and integrity of the data, each agency must periodically validate its records. Agencies also must undergo periodic audits to ensure data quality and adherence to all security provisions. [Pursuant to FBI Web Site on NCIC].*

62 STATE POLICE DEPARTMENT who had a appointed CJS officer who was to monitor the system where they knew or should have known that a rogue officer named Ricky McKelvey who went against the "NCIC Policy" where he was "authenticated" but used that authorization for him and his conspirators desires to damage, harm, abuse, violate petitioner without cause is racial profiling because when they removed petitioner they replaced him with a Caucasian in a predominated "African American" district of Arkansas.

63 STATE POLICE DEPARTMENT failed to train, supervise, instruct, guide in the proper procedures of entering persons into the NCIC who are "Convicted Felons" and the aforementioned employer failed to instill and impart into Ricky McKelvey "integrity" to mimic and copy for the sake of protecting the laws of Arkansas, Rights of the Citizens of Arkansas, Privileges & Immunities as possessed pursuant to Article 4, sec. 2 Constitution of the United States.

64 Ricky McKelvey violated the proper levels of access for every transaction where he entered false and misleading information to show petitioner was a 'Fugitive from Justice' where petitioner never went before a judge to be sentenced to probation or placed on parole... to not show up for his meeting and abscond to then be a "Fugitive From Justice", this never happened but Ricky McKelvey from instructions from Mike Bebe and Mark Martin to violate your "Authenticated" status damage the integrity of the data, and type in the system that Fred Smith is a "Fugitive From Justice" is a wicked, despicable, disgusting, rotten abuse of power to the 10th power, in complete disregard of law, Constitutions, policy and custom of FBI s' NCIC system.

DELIBERATE DISREGARD OF STATE LAW

Rick McKelvey did not seek a copy of a grand jury indictment per *pre-requisite* AR 7-5-807(D).

There was no finding of guilt per AR 7-5-808, that would allow the actions taken by RICK MCKELVEY, who should have known or knew that you cannot make a charge and on his own as STATE POLICE OFFICER, recruit conspirators, or should have known. To conduct a meeting of the minds and devote time to make phone calls the local police of Mississippi to deprive the right of a State Representative and conspire against that right is treason against Arkansas State, republic.

Unreasonable searches and seizures.

The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing

CONSPIRACY

Claim of RICO and Sherman Act Violations

Petitioner hereby incorporates the factual allegations of all previous paragraphs as though those allegations were fully set forth herein.

This pattern of Racketeering and Corrupt influence by Defendants is wide spread throughout Arkansas and the court system in America. This complaint alleges inter alia, violations under the Organized crime Control Act of 1970, Pub. L. No. 91-452, section 901(a), 84 Stat. 941, Racketeering Influenced and Corrupt Organizations (RICO), Sherman Anti Trust Act - where Thomas Deen, Rick McKelvey by and thru the enterprise ARKANSAS STATE POLICE-Rick McKelvey, STATE PROSECUTOR-Thomas Deen, and by an thru the principal enforcer Thomas Deen, with participant Rick McKelvey, by and thru orders from the affairs of the enterprise "STATE OF ARKANSAS-STATE PROSECUTOR & STATE POLICE" investigation from acts, and displays of conduct from this pattern of influence and has violated Article 4, Sec. 2 Constitution of the United States, 18 USC 1952(c), (a), (b), and is brought against "SAVE OUR KIDS" organization, thru Director a Citizen of United States, in connection and victim of a monopoly scheme devised, conducted, and/or participated in, by Defendants State Prosecutor STATE OF ARKANSAS-enterprise, Thomas Deen, Rick McKelvey where each of whom are employed by or associated with STATE OF ARKANSAS. Rick McKelvey participant of STATE OF ARKANSAS, receives income derived from the enterprise, where It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. By conduct and participant Rick McKelvey, in the affairs of the enterprise where It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

6

24 Rick McKelveys' conduct or participation, directly or indirectly, in the conduct of the affairs of the STATE OF ARKANSAS, through a pattern of racketeering activity, creating, establishing, to illegally and unlawfully arrest the person, Living Beneficiary where defendants association, participation with the enterprise affairs, who conspired to do so, and to wrongfully and unlawfully divert the right OF Constituents to vote for the candidate of choice thru false claims while voters of the 50 district of Arkansas were told you cannot vote for Fred Smith, without cause, reason for denial. Conspiracy past down to voting poles to systematically in a scheme to defraud voters and Constitutionally taken away their right to vote that's guaranteed by the 14th amendment without cause is egregious, absurd, willful, deliberate indifference to the privileges and immunities guaranteed by Article 4 sec. 2 Constitution of the United States.

25 Against defendants, where petitioner has been injured in his property of right forced to not be able to accept votes, sent to a kangaroo court proceeding conducted by willful participant Rick McKelvey where Thomas Deen is the State Prosecutor to uphold justice, protect the Citizens from abuse of government officials, protect the laws of Arkansas, deliberately against his sworn oath of office, and "Public Policy" recruited to assist him and participate in the affairs of the enterprise, where if he Rick McKelvey would devote a significant amount of energy to conspire with him and others to carry out a bogus arrest, place Fred Smith in the AGIC & NCIC listing him as a "Fugitive from Justice" shocks the conscious. He would be guaranteed income derived from his participation in the scheme to deny, take away Fred Smith's Constitutional privilege to seek public office shocks the conscious. To the detriment of Representative Fred Smith, violating, Sherman Anti Trust Act, RICO and Constitution of the United States, inter alia.

STATEMENT

This brief is to establish the elements of criminal & civil behavior of defendants in a monopoly scheme that was influenced by government officials & State Police department in unison, together that produced corrupt activity which is fraud, conspiracy, that damaged the Constitution of Arkansas and Constitution of the United States, and petitioner who states as follows:

ELEMENTS

- 1 Existence of a Duty: Ricky McKelveys' duty was to obey the laws of Arkansas and Constitution of Arkansas and first the rules, laid out by the State Police Department of Arkansas and in those rules, Constitution, laws nowhere does it say or makes provisions for a State Police officer to go and enter a person's name into the NCIC, national criminal data base as a "Fugitive From Justice" when no such label, order, or command, authorization, or finally a delegated order of authority verifying petitioner as to be a "Convicted Felon" from a Judge. To act, do, behave in the manner defendant has, unless he was conducting the aspirations, desire, commands personally from a unknown person, official, secretly to damage petitioner without cause because for a reasonable person to do this on his own; on their own is unreasonable or where a reasonable person would not do. Shows there must be some hidden person, official who gave the go-ahead to commit computer fraud, and enter petitioners name into a National Criminal Data base skipping the State Criminal Base for a check printing error by the state accounting department. That the FBI investigated and refused to get involved because they found it was the State accounting department who made the

error of an overpayment. Keep in mind that there is absolutely no evidence of a check every being deposited into petitioner's account. Because there is a 'right' that exists in petitioner; there is a corresponding "duty" upon some other person and in this case Ricky McKelvey, to make sure the laws, rules, Constitution of the State is adhered to. Since, the act of defendant was outside such described 'duty', then the action of Ricky McKelvey was from a "policy" and such policy is completely un-Constitutional. Where petitioner was due to be protected by Ricky McKelvey not be punished secretly by him from some hidden order, or command and implement the tools of government of another jurisdiction; to attempt to hide his criminal escapade from the law, Constitution, and officials. Acting as a "Rogue" officer, corrupt to the core. Which again plays into the present day police officer mind set that's out of control shooting, killing, arresting without authority to do that in this case Ricky McKelvey has joined himself to such debauchery, evil empire of a corrupt enterprise because the State Police Department - Enterprise, always does it this way, and have gotten away it in the past.

- 2 Created a BOLO: Defendant in participating in the affairs of the enterprise, also put out a BOLO= 'be on the lookout' when the arrest of petitioner was done where the BOLO was input into the National Criminal Data base skipping the state system altogether at night, secretly going into a terminal to enter such fraud, bogus, deceitful, deceptive, unlawful, illegal, willful, evil information with total deliberate disregard for the laws of Mississippi, and Arkansas because he went over jurisdictional lines in Federal Government and crafted his scientific racketeering scheme and then sent an email to an official in regard to the crime just completed, so he could get kibbles & bits from his secret superiors is egotistical, and immoral deed. How many others have Ricky McKelvey done this to, blows the mind and shocks the conscious.
- 3 Breach: Ricky McKelvey gave a promise as a State Police Officer to uphold the law, Constitution, Rules of State Police Department where he committed a "Breach" of duty, of promise willfully, deliberately, for the enterprise, by corrupt influence in scientific scheme, secretly crafted to damage petitioner shocks the conscious. Defendant had no legal excuse to not perform any promise which forms the whole part of a contract. That defendant was to uphold shows willful intent and whoever was his handler they committed "Willful Blindness" because whoever they are, knew or should have known that act was illegal, corrupt, and violated the Laws of United States, Constitution of the United States, Constitution of Arkansas, laws of Arkansas, Laws of Mississippi because he illegally used a governmental instrument for his personal gain, advantage, making him and his secret handler "Unjustly Enriched" by continuing to receive income as in wages to violate the law instead of secure, protect and implement the law, not their own desires, *mens rentes* or *mens rae*.
- 4 Constructive Breach of Duty: Defendant was bound to perform, disabled himself from performance by entering the name of petitioner into the NCIC without authority before the time came that he will not perform or incorporated others to seek out and arrest petitioner that other officers of another State that defendant recruited and endangered them where the officer that arrested petitioner was in on it to because, he

pulled petitioner over in Mississippi, by racial profile, stopping him and then asking petitioner "do you have a warrant?" shows a policy of Mississippi to engage in the affairs of the enterprise and they to, participated as a personal favor to Ricky McKelvy for brownie points or income derived because they continued to receive paychecks for arresting petitioner from a bogus BOLO amounts to fraud.

- 5 Proximate Cause by Breach: The command from a unknown person in government by the communication of their desire, wishes, to enter petitioner in the NCIC was the cause to influence defendant to commit this breach, breach of duty, constructive breach, anticipatory breach, Continuing breach, breach of contract, breach of privilege, breach of promise, in the affairs of the enterprise that incorporated another enterprise of another State; the Sheriff's Office in Mississippi is like watching a Steven Spielberg movie of corrupt officials on the take to control the Citizens by a scheme of corrupt activity is fantastic.
- 6 Damages: Irreparable Harm, stress, slander, defamation of character, are the usual which might have been expected from the actions of defendant et al, also remote damages which is the communication or command in secrete to enter the name of petitioner into the NCIC is attributable immediately to an intervening cause though it forms a link in an unbroken chain of causation, so that the remote damage would not have occurred if the elements had not been set in motion by the original communication act with defendant to commit computer fraud, illegal entering the name of petitioner into the national criminal data base.

ELEMENTS OF RICO

- 1 Existence of Enterprise: The ARKANSAS STATE POLICE department is run as a monopoly and racket. In that it is the *enterprise* that allowed defendant to run amuck, and ignore the law, and create his own law. As to say 'I don't like that African American Fred Smith and I'm going to get him and destroy his life, since he wants to be a congressman, African Americans should not be in congress, so I'll fix that'... is atrocious, frightening and chilling. That with all over the country today police officers, state police officers are pulling their guns and shooting people when they have acquiesced, put their hands up in the air and still get shot. Or beat up, or jailing old ladies who don't respond fast enough on a traffic stop, just manhandle them and arrest them is all over YouTube, and in the news.
- 2 This Gestapo tactics are insane and defendant here is no different. This enterprise has been allowing their officers to behave this way for some time, a long train of abuse, because it is unreasonable to think a new hired officer would enter a person's name into a National Criminal Data base without orders, instruction, on his own. Now if defendant acted upon communication from a high government official then who was that? Who gave such order? Who did he have secret communication with?

- 3 Existence of Injury: Eighth circuit has reaffirmed its prior precedent which it claimed had "held that standing to pursue a RICO action exists even though ... the plaintiff only alleges that it suffered indirect injury." 772 F. 2d at 472 (citing Alexander Grant & Co. v. Tiffany Indus., Inc., 742 F. 2d 408, 411 ns.7, 8 (8th Cir. 1984), *vacated and remanded*, 473 U.S. 922 (1985), *on remand*, 770 F. 2d 717, 719, (8th Cir. 1985), *cert. denied*, 474 U.S. 1058 (1986)). Petitioner herein alleges such RICO violation.
- 4 Pattern of Activity & Nexus with Enterprise: Defendant was asked by a secret government official where defendant worked for the STATE POLICE DEPARTMENT OF ARKANSAS [hereinafter Enterprise] et al, to go enter the name of petitioner into the NCIC and skip the ACIC, and make him a national criminal not a state criminal, to punish him, abuse him, because we are in control of the law enforcement of Arkansas and can recruit, incorporate an officer from Mississippi to assist us who participated in the affairs of the enterprise, was the nexus, connection to have an officer to join the affairs of the enterprise. The original nexus was the communication, command in secret to have defendant participate in the corrupt influence from the secret government official is wicked, horrific, demonstrative for government officials to behave this way, rips the air from a person's body in gasp.
- 5 Nexus - BOLO: Defendant created a BOLO for other officers of Mississippi to join in the corrupt affairs of the enterprise, with their personal individual participation and arrest petitioner in another State and keep petitioner in jail for 5 days is horrific, flabbergasting. The first nexus was the communication with Ricky McKelvy, to incite secretly destruction on petitioner is not just criminal but, abuse of power by the secret government official and defendant. Is Ricky McKelvey going to take this fall by himself or will the mystery person stand up with him.

ELEMENTS OF SHERMAN ACT

- 1 Contract Conspiratorial Breach: Is the Constitution of Arkansas, Constitution of the United States, and the promissory agreement between Ricky McKelvy and the people of Arkansas that created, modifies or destroys a legal relation. Because the contract supersedes the Constitution and thus such contract to uphold the laws of Arkansas, by promise is paramount. The policy of the State Police Department too, where such policy however in this case goes against the Constitution of Arkansas, and Constitution of the United States in where there are no provisions in such policy to violate the petitioner and break the promise to enter petitioners name into the NCIC and forget about entering him in the State ACIC means, defendant impersonated a Federal officer because only federal officers can label a person a federal criminal, not a state officer is clear and concise fraud, and impersonation of a government official on the Federal level by Ricky McKelvy.

- 2 The act of defendant is unreasonable that a reasonable person would not have done. And in doing so defendant interfered with commerce because he created undue cost of housing petitioner in jail for 5 days. Paying officers to process petitioner in jail from a fake fraudulent fictitious BOLO, where these acts violate sections 3,6,7,8 of the Sherman Anti-Trust Act & RICO laws where defendant must be charged and herein is charged with violating the RICO laws with the Sherman Act together.
- 3 Find, defendants in violation of the Sherman Act because it deals with they were monopolizing the use of, authority abuse, of contract or effects the commerce by creating a burden upon the tax payers of Arkansas and Mississippi paying for the housing of petitioner, feeding and clothing, cost of processing him into the jails of Mississippi & Arkansas where the payments to officers and employees was a undue cost and payment for a unlawful, illegal use of tax funds of the citizens of Arkansas & Mississippi is conspiracy to commit fraud at the highest and lowest level with deliberate indifference to the laws of Arkansas & Mississippi shocks the conscious.
- 4 Petitioner has Privileges & Immunities secured whether defendants agree or not does not take them away and again petitioner claims Article 4, sec. 2 Constitution of the United States.

CONCLUSION

Award damages to be determined by the court for the breach of Barry Roy; Tim Knuckles, Shawn Gardner, a State Police Officer actions of fraud, conspiracy, deprivation of rights, conspiracy against rights, racketeering,

A Petitioner hereby for the record and let the record reflect there was no conviction to authorize an arrest of petitioner.

B Any other relief the court deems just and proper.

C Award "compensatory damages", "treble damages", "Punitive damages" against Barry Roy; Tim Knuckles, Shawn Gardner; STATE POLICE OF ARKANSAS as Respondent Superior; STATE OF ARKANSAS for respondent superior where the State has allowed a 'custom & policy' within the STATE POLICE DEPARTMENT where officers are allowed to enter persons names' into the NCIC Database Criminal system without any verification, on their own, from "ex parte" communication from the Governor and Secretary of State is egregious.

D Award "compensatory damages", "treble damages", "Punitive damages" against Ricky McKelvey; STATE POLICE OF ARKANSAS bond, as Respondent Superior; STATE OF ARKANSAS bond for respondent superior where the State Police has allowed a 'custom & policy' within the STATE POLICE DEPARTMENT where officers are allowed to enter persons names' into the NCIC Database Criminal system without any conviction, verification, on their own, from "ex parte" communication from unknown persons is egregious.

E Award compensatory, treble, punitive, actual, damages for entering the name of petitioner into the NCIC with no conviction, record of conviction of any crime what so ever anywhere in Arkansas.

This ____ day of _____ 2018.

Fred Smith

Arkansas State Police

Rick McKelvey

- EMAIL -

From: Barry Roy

Sent: Tuesday, June 23, 2009 1:35 PM

To: Rick McKelvey

Subject: RE: B-06402-09 INTERVIEW OF FRED SMITH.

Rick, Mike Middleton and Aundrae Mack have both made attempts to locate Mr. Smith with out any luck. Aundrae knows his brother and has tryed to contact him through him. I advised Mike to send you some Agents Notes documenting their attempts to locate Mr. Smith.

SGT. BARRY E ROY
ARKANSAS STATE POLICE
EAST REGION CO. 2
PO BOX 964
BRINKLEY, AR. 72621
(OFF) 870-734-1028
(CELL) 870-734-7257
(FAX) 870-734-1033

From: Rick McKelvey

Sent: Wed 6/17/2009 1:26 PM

To: Barry Roy

Subject: B-06402-09 INTERVIEW OF FRED SMITH.

Hey SGT I know MIDDLETON has attempted to locate FRED SMITH concerning this investigation. But I have not received any paperwork as to rather the interview was conducted, or not. If possible would you check with him and if he can not, or has not been able to get FRED SMITH in for a suspect interview would you have MIDDLETON do an agents notes to my case stating what he has been able to find out. I have now got FRED SMITH entered NCIC on a warran. for theft of property lost, mislaid, or delivered by mistake. I am going through you because I was instructed to by the LT, thanks.

COPY

EX2



Arkansas Crime Information Center

April 22, 2013

Dear Mr. Fredrick Smith,

We are in receipt of your request for criminal history information. Based on the information you provided there is no State Identification Number for the state of Arkansas. Therefore, you do not have a Arkansas state criminal history on file.

We did recover information that indicates that there may be a criminal history record obtained through the state of Mississippi. Please contact the Mississippi Department of Law Enforcement at 601-933-2600. Please contact the Federal Bureau of Investigation at 304-625-3878 to obtain a copy of the NCIC criminal history information.

If additional information is needed, please contact me at 501-682-2222.

Sincerely,

Lesla Winston
Senior Manager
Criminal History Division

LW:lw

Cc: File

09-266-6007-13

COPY

BOOKING REPORT

EX-101 Date: 07/08/2012

DESOTO COUNTY SHERIFF'S OFFICE

Page: 1

BOOKING NO. 2009090613 | FBI NUMBER: 148510 TANK: C-TA BUNK01

DEFENDANT NAME

SMITH, FRED

RACE	SEX	BIRTH DATE	SOCIAL SECURITY NO
BLACK	Male	11/15/1970	430-27-8189

AGE	EYES	HAIR	LENGTH	HEIGHT	WEIGHT	BUILD	SKIN TONE
38	BRO	BLK	SHORT	6' 6"	235	Large	DRK

SCARS/MARKS/TATTOOS
TATTOO ON LEFT LOWER LEG

ADDRESS	HOME PHONE	FBI NUMBER
7601 BROKEN HICKORY DR WALLS	901-406-6631 MS 38686-	NONE NONE
STATE NUMBER		
NONE		

OCCUPATION	EMERGENCY CONTACT
OWNER	TASHA SMITH

EMPLOYER	WORK PHONE	7601 BROKEN HICKORY DR WALLS
SAVE OUR KIDS	901-406-6631	662-781-0801

ARRESTING OFFICER	DATE	TIME	SEARCHED	OFFICER
BIGHAM, J	09/22/2009	22:15	INDEXED	
BOOKING OFFICER	DATE	TIME	PROPERTY	BOX #
THOMAS JONES	09/23/2009	00:43		440/MB

CLASSIFICATION	RESPONSIBLE COURT	COURT DATE	ENCODE	RESIDENT
M1B	COUNTY COURT		25	Out of Jurisdiction

PHONE CALL(S) MADE	1. NONE	2. NONE	3. NONE
	1. 662-781-0801	2. NONE	3. NONE

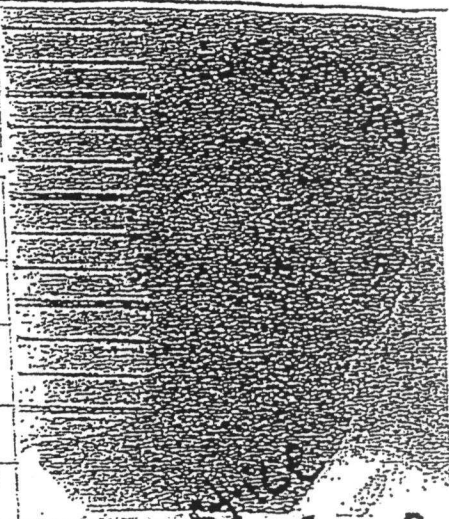
AGENCY BILLED	BILLING RATE	DISPOSITION	SENTENCE MONTHS	SENTENCE DATE
DCSO	\$20.00	ORIG	0 YEARS	0 DAYS

SCH. RLSE DATE	ACTUAL RELEASE DATE	HOW RELEASED	RELEASED TO
11/11/2009	09/23/2009	TRANSFERRED FOR PICKUP	COCOT COUNTY ARK

PLACE OF BIRTH	RELEASED BY
WEST MEMPHIS	JENNIFER HEWARD

COURT	CHARGE	BOND	DISPOSITION & DATE
COCOT	FUGITIVE FROM JUSTICE	\$	0.00 Other
COCOT	WRITERS SIGNED 09-23-2009	\$	0.00 Other

I served jail time as a fugitive of justice and criminal by the state of Arkansas and still become a STATE Representative in Arkansas as a Convicted Felony "Fraud" This is unconstitutional



BOND \$ 0.00

COPY

ARREST NO.: 2009090613

ARREST REPORT
DESOUD COUNTY SHERIFFS OFFICE

CASE NO.

NAME OF PERSON ARRESTED SMITH, FRED		ALIAS OR NICKNAME		ARREST DATE 09/22/2009	
ADDRESS OF SUSPECT 7601 BROOKS HICKORY DR, WALL, MS 38680			OCCUPATION OWNER		TIME 22:15
SOCIAL SECURITY NO 890-27-8189	DRIVERS LICENSE NO 8002182308	SEX M	HAIR BLK	HEIGHT 5'6"	WEIGHT 145
AGE 39	RACE BLACK	EYES BRN	HAIR LENGTH SHORT	BIRTH PLACE WEST MEMPHIS	BIRTH DATE 11/15/1970
WHERE ARRESTED LIBERTY ST ON HWY 307		HOW ARREST MADE Warrant		COUNTY COURT	
WEAPON (IF ARMED) NONE		GANG		<input type="checkbox"/> Crack <input type="checkbox"/> Cursed <input type="checkbox"/> Court at Office <input type="checkbox"/> Drinking <input type="checkbox"/> IR <input type="checkbox"/> Under Influence	
OFFENSE(S) SUSPECTED OR CHARGED FUGITIVE FROM JUSTICE			ARREST DATE FILE NUMBER 09/22/2009 148510		
VEHICLE YES/MAKE & MODEL		STYL		COLOR	
PREVIOUS ARRESTS		OTHER PERSONS ARRESTED FOR SAME OFFENSE			

Arkansas State Police as a fugitive of justice. But I am not a criminal and a fugitive of justice. The Arkansas State Police never entered in my file. I have never been arrested in any file. The Arkansas State Police as a convicted criminal. I have never entered in the Local Arkansas database. Because the Arkansas database show that I never had a criminal record. How can a man be put in a National Database without a local S.I.D number that "Fraud" is Unconstitutionality.

This is Unconstitutionality

STATE OF ARKANSAS



To All to Whom These Presents Shall Come-Greeting:

Know Ye, That Whereas, It appears that

Fred Smith

was duly elected State Representative District 50 in and for the State of Arkansas, at an election held on the sixth day of November, Two Thousand Thirteen.

Therefore, I, Mike Beebe, Governor of the State of Arkansas, in the name and by authority of the people of the State of Arkansas, vested in me by the Constitution and the laws of said State do hereby commission the aforementioned to the office of

State Representative District 50

in and for the State of Arkansas, for and during the term prescribed by the laws of the State.

Fred Smith, therefore, hereby authorized to do and perform all and singular the duties incumbent upon the office of

State Representative District 50

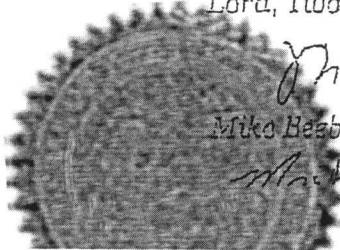
in and for the State of Arkansas, according to law and the trust reposed in said office.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at Little Rock, this fourteenth day of January, in the year of Our Lord, Two Thousand Thirteen.

Mike Beebe

Mike Beebe, Governor

Mark M. +



How can a Arkansas STATE Police enter as a Criminal in the NCIC become a Arkansas STATE Representative that is FRAUD!

AFFIDAVIT

CRIMINAL ACTIONS

Mr. Fredrick Smith
POST OFFICE BOX 303
Crawfordsville, AK

Ricky G. McKelvey Officer 1 State Police Plaza, Little Rock, AR, 72209 CPL 486
ARKANSAS STATE POLICE DEPARTMENT 1 State Police Plaza, Little Rock, AR, 72209
Lieutenants Tim K. Knuckles, Shawn Gardner and Sergeant Barry Roy
Arkansas State Police 1 State Police Plaza, Little Rock, AR, 72209

LIEUTENANTS

SHAWN GARDNER, TIM K. KNUCKLES, AND SARGENT BARRY ROY

All 3 officers, Committed fraud, conspiracy, computer fraud, criminal intent, aiding a abetting criminal enterprise, criminal intent, discrimination, by engaging in email crime of setting up Fred Smith with others to charge him as a "Convicted Felon" and "Fugitive From Justice" where he knew or should have known that Fred Smith was not convicted or a fugitive from justice. Lieutenants Shawn Gardner, Tim K. Knuckles and Sergeant Barry Roy gave the instruction to Rick McKelvey to do these criminal acts where they did participate in setting up Fred Smith to be a "Criminal" with a BOLO sent to Mississippi Desoto County Police to arrest him, where they had knowledge of the crimes to be carried out by the organized action of all the above listed persons that was deliberate.

FACTS

On January 26th 2011-12 I Fred Smith had resigned because of a meeting I was forced to go to in conspiracy by plot and plan by the Arkansas State Police, State Prosecutor-Thomas Deen, and Speaker of the House Robert S. Moore who was the Speaker of the House in 2012. Now is the Commissioner of the Arkansas Highway Department because of a "favor" to damage Fred Smith by creating a false charge in 2009, putting such charge in the system and holding it until 2012 when Fred Smith was re-elected to the seat. In 2012 Petitioner was fraudulently charged with "theft of property delivered by mistake" - Ark Code 5-36-105. There was an audit of Dermott School District where it was found that a accounting error was committed on the school by the accounts payable department where the issue was sought to prosecute petitioner by the FBI and they determined they would not because the error was completely on the accounts

payable department/Dermott School, of appropriated funds. Fred Smith never received any payment, overpayment, money deposited in a bank account, check, nor did petitioner ever cash a check, received any extra overpayment of any money but was charged for illegal, unlawful criminal obtaining of a "phantom" payment. The audit of 2012 Auditors Office from Monticello, on Dermott School verified an extra payment or overpayment recorded but nothing or no money sent to Fred Smith. While this was established, the Arkansas state police investigated and recruited Rick McKelvey and another Lieutenant to get Fred Smith anyway you can. The email attached verifies collusion, conspiracy, criminal fraud, willful blindness, influence and corrupt activity that amount to RICO. Rick McKelvey was told by Lieutenants Shawn Gardner, Tim K. Knuckles and Sergeant Barry Roy to go into a computer terminal, and enter the name of "Frederick Smith" into the NCIC data base as "convicted"; a fugitive of justice where he was told by his lieutenant as this investigation was pending regarding Fred Smith being charged. Petitioner was on the campaign trail to become Arkansas State Representative which he won. But was already charged, and told he was convicted by Robert S. Moore, and others from 2009, this was now 2012. After realizing I was now again a State Representative, the State Police, Rick McKelvey had already before petitioner winning the seat, before any court hearing, before any investigation, before the members of congress can make a determination as to Fred Smith resigning, or stepping down because of this alleged conviction. Rick McKelvey enter the name of Frederick Smith into the NCIC Computer System without authority to do so, or a verified "Conviction" as required to the ARKANSAS CRIME INFORMATION CENTER SYSTEM REGULATIONS as listed in Section 5 which states:

Section 5 Completeness and Accuracy.

- (a) Responsibility. Agencies that enter records, or cause records to be entered in the ACIC and NCIC, are responsible for their accuracy, timeliness, and completeness.
- (b) Supporting Records. All entries in ACIC and NCIC must be Substantiated by official documentation, including a warrant for the entries in warrant files, a theft report for entries in stolen property files, and an incident report for other record entries. Copies of these supporting documents, whether in manual or automated form, must be on hand to support all entries and must be accessible within 10 minutes for hit confirmation purposes. This backup documentation shall be maintained, readily accessible, as long as the record entries are in the state and/or national information systems. Any entries lacking such backup documentation must be removed by the entering agency. [SEE EMAIL ATTACHED SENT TO RICK MCKELVEY BY BARRY ROY

Rick McKelvey was told by Lieutenants Shawn Gardner, Tim K. Knuckles and Sergeant Barry Roy to enter the name of FREDERICK SMITH into the NCIC as "Convicted" and "Fugitive from Justice" which he was not; while he was on the campaign trail. Rick McKelvey used Fred Smiths social security number without authorization or permission from Frederick Smith in violation of Federal Law 42 USC 408(8). These acts were done before petitioner was elected, before any court procedure, before Congress of Arkansas can determine if Fred Smith should step down. Congress was not only not allowed to vote to remove or keep Fred Smith they were never told about the meeting with Robert S. Moore and 12 other white Caucasian members of congress in a secrete room, that violates the rules of procedure of the House & Senate in removing a sitting congressman. Robert S. Moore created his own rules and brought in his private secrete conspirators to threaten Fred Smith saying "you have been convicted" when that

was false. By saying in secrete "you have to step down now because of your conviction" when that too was false. That action was an attempt to get me out of the seat because they had already entered the name of Frederick Smith into the NCIC 2009 and held it to set him up because they thought Fred Smith was going to lose but he won. Where such 'conviction' was placed upon Fred Smith years before where a favor was to be done so, Robert S. Moore, Will Bond, Thomas Deen, Mark Martin, et al all knew that Fred Smith was entered "Prematurely", in violation of law, Federal and State law, in that Fred Smith was not convicted nor a fugitive from justice. In that, they had to get this fixed. So, Robert S. Moore a State Representative and Speaker of the House; Now Robert S. Moore at 12 noon asked Fred Smith to meet with him at his office with 12 other congressman and 1 African American - Fred Smith; to tell Fred Smith you need to resign ASAP. This act violated House Ethics Rules where it was never brought to the House for a vote as required by the Rules of the House on Ethics violations. He told me I was going to jail in front of the 12 congressmen before everyone could be told or find out and make it look like Fred Smith resigned on his own, no collusion, conspiracy, fraud, criminal fraud, corrupt influence by corrupt activity of Lieutenants Shawn Gardner, Tim K. Knuckles and Sergeant Barry Roy; Rick McKelvey; Robert S. Moore; Will Bond; Mark Martin; Candace Martin; Thomas Deen; Loutellious Holmes; Brian Beers; Mary McGowen; Election Commissioners; State Police Department; Desoto County Police Department; State of Mississippi; where if they did not get Fred Smith out of the seat right away, while he was re-elected with no conviction, they all would be in trouble for their organized criminal enterprise to damage Fred Smith in violation of Federal Law & State Law. Fred Smith was entered into the criminal national data base before a court hearing, investigation, years before to set up Fred Smith shocks the conscious.

This day of 30 day of November 2017

Fred Smith

ACKNOWLEDGEMENT

State: Arkansas)

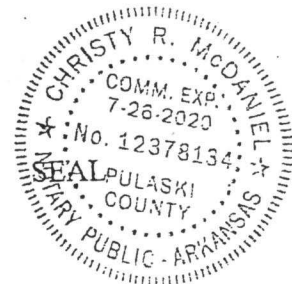
County: Crittenden)

SUBSCRIBED AND SWORN TO before Christy R. McDaniel Notary Public by Fred Smith, known to me or proven to me to be the real man signing this document this 30 day of NOV., 2017.

WITNESS my hand and official seal.

Christy R. McDaniel
NOTARY PUBLIC

My commission expires:



AFFIDAVIT OF FREDERICK SMITH

STATE OF ARKANSAS
COUNTY OF CRITTENDEN

FREDERICK SMITH,

November 30 2017 Fred Smith appeared before me, the undersigned notary public, and upon his oath he said:

"My name is Fred Smith I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct."

LIEUTENANTS

SHAWN GARDNER, TIM K. KNUCKLES, AND SARGENT BARRY ROY

All 3 officers, Committed fraud, conspiracy, computer fraud, criminal intent, aiding a abetting criminal enterprise, criminal intent, discrimination, by engaging in email crime of setting up Fred Smith with others to charge him as a "Convicted Felon" and "Fugitive From Justice" where he knew or should have known that Fred Smith was not convicted or a fugitive from justice. Lieutenants Shawn Gardner, Tim K. Knuckles and Sergeant Barry Roy gave the instruction to Rick McKelvey to do these criminal acts where they did participate in setting up Fred Smith to be a "Criminal" with a BOLO sent to Mississippi Desoto County Police to arrest him, where they had knowledge of the crimes to be carried out by the organized action of all the above listed persons that was deliberate.

Questions Presented

- 1 Does the Constitution of Arkansas provide a "Head of the Senate" in the presence of 12 other congressman in private threaten, intimidate a sitting congressman, to step down on allegations of criminal activity without bringing the matter before the Congress of Arkansas for a vote as to step down?
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FACTS

On January 26th 2011-12 I Fred Smith had resigned because of a meeting I was forced to go to in conspiracy by plot and plan by the Arkansas State Police, State Prosecutor-Thomas Deen, and Speaker of the House Roger Moore who was the Speaker of the House in 2012. Now is the Commissioner of the Arkansas Highway Department because of a "favor" to damage Fred Smith by creating a false charge in 2009, putting such charge in the system and holding it until 2012 when Fred Smith was re-elected to the seat. In 2012 Petitioner was fraudulently charged with "theft of property delivered by mistake" – Ark Code 5-36-105. There was an audit of Dermott School District where it was found that an accounting error was committed on the school by the accounts payable department where the issue was sought to prosecute petitioner by the FBI and they determined they would not because the error was completely on the accounts payable department/Dermott School, of appropriated funds. Fred Smith never received any payment, overpayment, money deposited in a bank account, check, nor did petitioner ever cash a check, received any extra overpayment of any money but was charged for illegal, unlawful criminal obtaining of a "phantom" payment. The audit of 2012 Auditors Office from Monticello, on Dermott School verified an extra payment or overpayment recorded but nothing or no money sent to Fred Smith. While this was established, the Arkansas state police investigated and recruited Rick McKelvey and Lieutenants Shawn Gardner, Tim K. Knuckles and Sergeant Barry Roy to get Fred Smith anyway you can.

The email attached verifies collusion, conspiracy, criminal fraud, willful blindness, influence and corrupt activity that amount to RICO. Rick McKelvey decided to go into a computer terminal, and enter the name of "Frederick Smith" into the NCIC data base as "convicted"; a fugitive of justice where he was told by his lieutenant as this investigation was pending regarding Fred Smith being charged. Petitioner was on the campaign trail to become Arkansas State Representative which he won. But was already charged, and told he was convicted by Roger Moore, and others from 2009, this was now 2012. After realizing I was now again a State Representative, the State Police, Rick McKelvey had already before petitioner winning the seat, before any court hearing, before any investigation, before the members of congress can make a

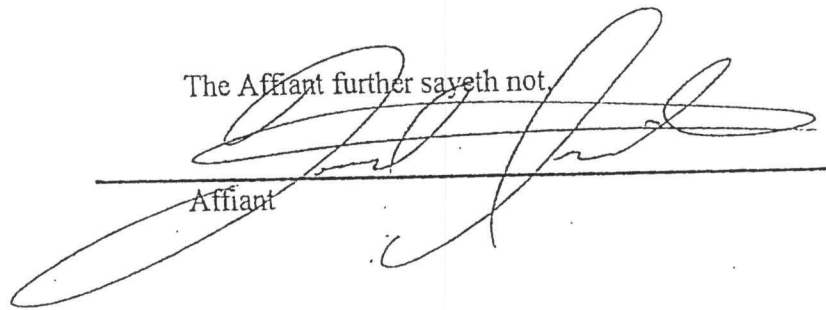
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- (a) Responsibility. Agencies that enter records, or cause records to be entered in the ACIC and NCIC, are responsible for their accuracy, timeliness, and completeness.
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Rick McKelvey was told by Lieutenants Shawn Gardner, Tim K. Knuckles and Sergeant Barry Roy to enter the name of FREDERICK SMITH into the NCIC as "Convicted" and "Fugitive from Justice" which he was not; while he was on the campaign trail. Rick McKelvey used Fred Smith's social security number without authorization or permission from Frederick Smith in violation of Federal Law 42 USC 408(8). These acts were done before petitioner was elected, before any court procedure, before Congress of Arkansas can determine if Fred Smith should step down. Congress was not only not allowed to vote to remove or keep Fred Smith they were never told about the meeting with Robert S. Moore and 12 other white Caucasian members of congress in a secrete room, that violates the rules of procedure of the House & Senate in removing a sitting congressman. Robert S. Moore created his own rules and brought in his private secrete conspirators to threaten Fred Smith saying "you have been convicted" when that was false. By saying in secrete "you have to step down now because of your conviction" when that too was false. That action was an attempt to get me out of the seat because they had already entered the name of Frederick Smith into the NCIC 2009 and held it to set him up because they thought Fred Smith was going to lose but he won. Where such 'conviction' was placed upon Fred Smith years before where a favor was to be done so, Robert S. Moore, Will Bond, Thomas Deen, Mark Martin, et al all knew that Fred Smith was entered "Prematurely", in violation of law, Federal and State law, in that Fred Smith was not convicted nor a fugitive from justice. In that, they had to get this fixed. So, Robert S. Moore a State Representative and Speaker of the House; Now Robert S. Moore at 12 noon asked Fred Smith to meet with him at his office with 12 other congressman and 1 African American – Fred Smith; to tell Fred Smith you need to resign ASAP. This act violated House Ethics Rules where it was never brought to the House for a vote as required by the Rules of the House on Ethics violations. He told me I was going to jail in front

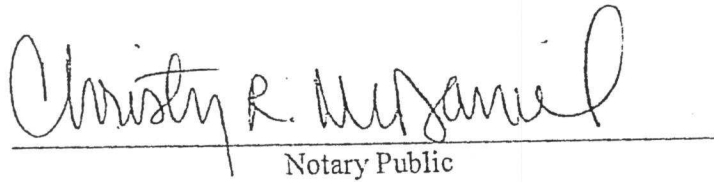
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The Affiant further sayeth not.



Affiant

SWORN and SUBSCRIBE before me by Frederick Smith, on February, 2017 AD.



Notary Public

My Commission Expires



AFFIDAVIT OF FREDERICK SMITH

STATE OF ARKANSAS
COUNTY OF CRITTENDEN

FREDERICK SMITH,

November 30 2017 Fred Smith appeared before me, the undersigned notary public, and upon his oath he said:

"My name is Fred Smith I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct."

LIEUTENANTS

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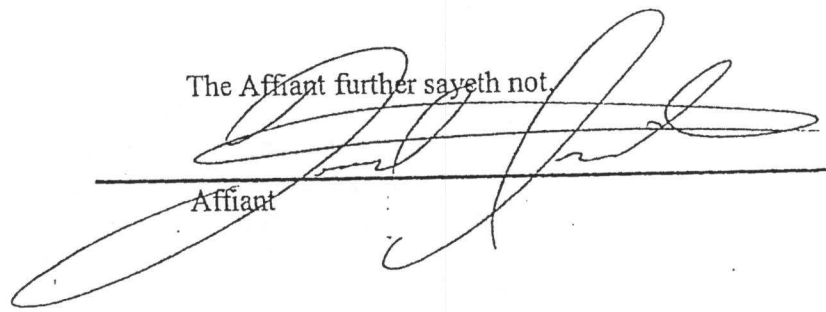
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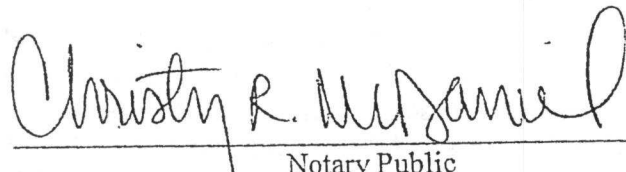
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The Affiant further sayeth not.



Affiant

SWORN and SUBSCRIBE before me by Frederick Smith, on February, 2017 AD.



Notary Public

My Commission Expires



Arkansas State Police

Rick McKelvey

EMAIL

From: Barry Roy

Sent: Tuesday, June 23, 2009 1:35 PM

To: Rick McKelvey

Subject: RE: B-06402-09 INTERVIEW OF FRED SMITH.

Rick, Mike Middleton and Aundrae Mack have both made attempts to locate Mr. Smith with out any luck. Aundrae knows his brother and has tried to contact him through him. I advised Mike to send you some Agents Notes documenting their attempts to locate Mr. Smith.

SGT. BARRY E ROY
ARKANSAS STATE POLICE
EAST REGION CO. A
PO BOX 264
BRINKLEY, AR. 72021
(OFF) 870-734-1028
(CELL) 870-734-2257
(FAX) 870-734-1055

From: Rick McKelvey

Sent: Wed 6/17/2009 1:26 PM

To: Barry Roy

Subject: B-06402-09 INTERVIEW OF FRED SMITH.

Hey SGT I know MIDDLETON has attempted to locate FRED SMITH concerning this investigation. But I have not received any paperwork as to rather the interview was conducted, or not. If possible would you check with him and if he can not, or has not been able to get FRED SMITH in for a suspect interview would you have MIDDLETON do an agents notes to my case stating what he has been able to find out. I have now got FRED SMITH entered NCIC on a warrant for theft of property lost, mislaid, or delivered by mistake. I am going through you because I was instructed to by the LT, thanks.

09-266-6007-13

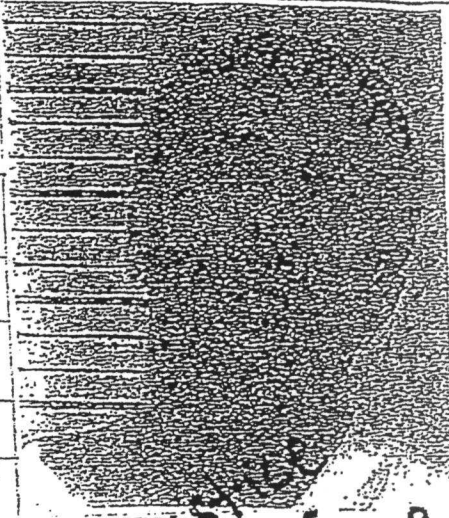
COPY

BOOKING REPORT

EX Date: 07/06/2012

DESOTO COUNTY SHERIFF'S OFFICE

Page: 1

BOOKING NO. 2009060613	FBI NUMBER: 148510	TANK: C-TA BUNK01	
DEFENDANT NAME SMITH, FRED			
RACE BLACK	SEX Male	BIRTH DATE 11/15/1970	
SOCIAL SECURITY NO 430-27-8189			
AGE 38	EYES BRO		HAIR LENGTH BLK SHORT
HEIGHT 6' 6"	WEIGHT 235		BUILD Large
SKIN TONE DRK			
SCARS/MARKS/TATTOOS TATTOO ON LEFT LOWER LEG			
ADDRESS 7601 BROKEN HICKORY DR WALLS	HOME PHONE 901-406-6831 MS 36680-	FBI NUMBER NONE STATE NUMBER NONE	

OCCUPATION OWNER	EMERGENCY CONTACT TASHA SMITH
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EMPLOYER SAVE OUR KIDS	WORK PHONE 901-406-6831	7601 BROKEN WALLE 662-781-0801	RELATION WIFE
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ARRESTING OFFICER BIGHAM, J	DATE 09/22/2009	TIME 22:15	SEARCHING OFFICER JOCOK
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BOOKING OFFICER THOMAS JONES	DATE 09/23/2009	TIME 00:41	PROPERTY BOX # 440/MB
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CLASSIFICATION M1B	RESPONSIBLE COURT COUNTY COURT	COURT DATE	LOS CODE 25	RESIDENT Out Jurisdiction
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PHONE CALL(S) MADE 1. 662-781-0801	2. NONE	3. NONE
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AGENCY BILLED DCSO	BILLING RATE \$20.00	DISPOSITION CACHED	SENTENCE MONTHS 0 YEARS	SENTENCE DAYS 0 DAYS
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SCH. RELEASE DATE //	ACTUAL RELEASE DATE 9/24/09	HOW RELEASED TRANSFERRED FOR PICKUP	RELEASED TO DESO COUNTY ARK
-------------------------	--------------------------------	--	--------------------------------

PLACE OF BIRTH WEST MEMPHIS	RELEASED BY JENNIFER HEWARD
--------------------------------	--------------------------------

COURT	CHARGE	SOND	DISPOSITION & DATE
COU	FUGITIVE FROM JUSTICE	5	0.00 Other
COU	VIOLATED BOND 09-23-2009	5	0.00 Other

I served jail time as a fugitive of justice and criminal by the State of Arkansas. "NO" one can serve a STATE Representative in Arkansas as a Convicted Felony. This is "Fraud" and is unconstitutional.

STATE OF ARKANSAS



To All to Whom These Presents Shall Come-Greeting;

Know Ye; That Whereas, It appears that

Fred Smith

was duly elected State Representative District 50 in and for the State of Arkansas, at an election held on the sixth day of November, Two Thousand Twelve.

Therefore, I, Mike Beebe, Governor of the State of Arkansas, in the name and by authority of the people of the State of Arkansas, vested in me by the Constitution and the laws of said State do hereby commission the aforementioned to the office of

State Representative District 50

in and for the State of Arkansas for and during the term prescribed by the laws of the State.

Fred Smith, therefore, hereby authorized to do and perform all and singular the duties incumbent upon the office of

State Representative District 50

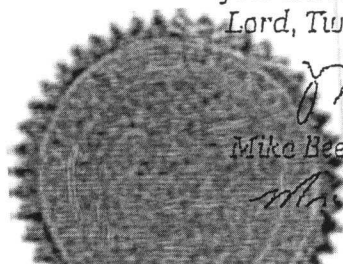
in and for the State of Arkansas, according to law and the trust reposed in said office.

In Testimony Whereof, I have heretunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at Little Rock, this fourteenth day of January, in the year of Our Lord, Two Thousand Thirteen.

Mike Beebe

Mike Beebe, Governor

Mike Beebe



How can a criminal become a State Representative in Arkansas's STATE POLICE NCIC and Fred Smith STATE FRAUD!

UNITED STATES DISTRICT COURT
for the

FRM, ARK, State Rep Frederick Smith
Plaintiff/Petitioner)

Arkansas State Police Dep.)
Defendant/Respondent)

1. Tom K Knuckle & Shawn Gardner
3. Barry Roy

Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If incarcerated. I am being held at:

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated. If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period)

3. Other Income. In the past 12 months, I have received income from the following sources (check all that apply):

- (a) Business, profession, or other self-employment Yes No
- (b) Rent payments, interest, or dividends Yes No
- (c) Pension, annuity, or life insurance payments Yes No
- (d) Disability, or worker's compensation payments Yes No
- (e) Gifts, or inheritances Yes No
- (f) Any other sources Yes No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ 0 (unemployed).

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):

2005 Motorless
Ford expedition.

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

Living with Family

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

Fred Smith Jr.

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

None

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Frederick Smith
Printed name

IN THE DISTRICT COURT OF U.S. COUNTY, ARKANSAS

IN RE PETITION OF Fred Smith
TO PROCEED IN FORMA PAUPERIS

CASE NO. _____

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW the Plaintiff, Fred Smith, *pro se*, who hereby petitions the court for Leave to Proceed *In Forma Pauperis* and does allege and state as follows:

1. That Plaintiff, a resident of the State of Arkansas, has prepared and desires to file with this Court a LAWSUIT.
2. That Plaintiff has completed an Affidavit in Support of Request to *Proceed In Forma Pauperis* setting out his/her income and assets. Plaintiff's Affidavit accompanies this petition.
3. That Plaintiff's income barely suffices to meet the costs of life's daily essentials and includes no allotment that could be budgeted to pay for court fees and costs incident to this proceeding.
4. That Plaintiff has no other income in addition to that described in his/her Affidavit and no means of paying such costs without being reduced to total impoverishment.
6. That Plaintiff believes that he/she is entitled to the relief requested in the accompanying LAWSUIT and that such action is not brought for a frivolous or malicious purpose.

WHEREFORE, Plaintiff prays that the court enter an order allowing the Plaintiff to prosecute this action *In Forma Pauperis* and that the Plaintiff may have the necessary writs and processes without payment of fees or costs for the same.

Respectfully submitted,

SIGNATURE: Frm. Ark. State Rep. [Signature]
ADDRESS: PO Box 303
Crawfordsville Arkansas
PHONE: TEL # 513 9710

In Forma Pauperis Affidavit
[see Rule 72, Rules of Civil Procedure]

IN THE ~~DISTRICT~~ COURT U.S. COURT, ARKANSAS

IN RE PETITION OF Fred Smith
TO PROCEED IN FORMA PAUPERIS

NO. ___

AFFIDAVIT IN SUPPORT OF
REQUEST TO PROCEED IN FORMA PAUPERIS

I, Fred Smith, being first duly sworn, depose and say that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? Yes ___ No

(a) If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.

(b) If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

(a) Business, profession or any form of self-employment?

Yes ___ No

(b) Rent payments, interest or dividends?

Yes ___ No ___

(c) Pensions, annuities or life insurance payments?

Yes ___ No ___

(d) Gifts or inheritances?

Yes ___ No ___

(e) Any other sources?

Yes ___ No ___

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in a checking or savings account?

Yes ___ No

If the answer is yes, state the total amount in each account.

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ___ No

If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

Wife working Supporting the family.
Gabriel 5 Tasha wife
Fred Tr. 11

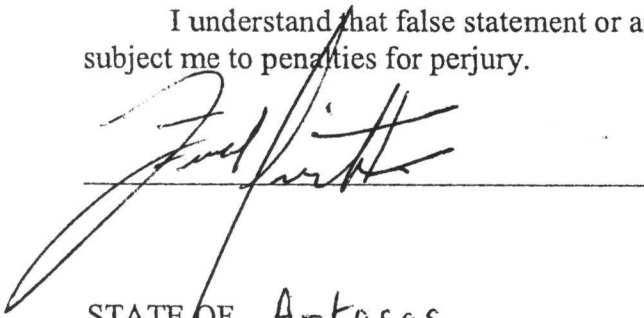
[6. TO BE COMPLETED ONLY IF PETITIONER IS INCARCERATED IN THE ARKANSAS DEPARTMENT OF CORRECTION OR ANY OTHER PENAL INSTITUTION.

Do you have any funds in the inmate welfare funds?

Yes ___ No

If the answer is yes, state the total amount in such account and have the certificate found below completed by the authorized officer of the institution.]

I understand that false statement or answer to any questions in this affidavit will subject me to penalties for perjury.



Signature of Petitioner

STATE OF Arkansas

COUNTY OF Crittenden

Petitioner, _____, being first duly sworn under oath, presents that he/she has read and subscribed to the above and states that the information therein is true and correct.

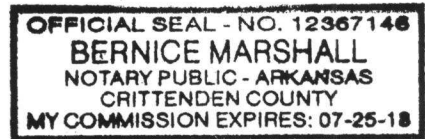
SUBSCRIBED AND SWORN to before me this 25th day of February, 2018.

Bernice Marshall

Notary Public

My commission expires: 7/25/2018

[(To be completed by authorized officer of penal institution)]



CERTIFICATE

I hereby certify that the petitioner herein, Fred Smith, has the sum of \$ 0 on account to his/her credit at the N/A institution where he/she is confined.

I further certify that petitioner likewise has the following securities to his/her credit according to the records of said institution:

NONE

Authorized Officer of Institution]

DISTRICT COURT OF THE UNITED STATES

Case: _____

48 ***** 48

**DECLARATION
OF
Exempt Filing Fee Status**

48 ***** 48

The Citizens of the United States Government, not United States of America, does make this Declaration that the "Citizens" of the said district are exempt from cost, filing fees and charges imposed by any courts, boards of law pursuant to and according to:

- 1 Constitution of the United States Article 4, sec. 2
- 2 **Hague Convention,**
- 3 **State Department of the United States**
"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."
- 4 7th Amendment
"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ..."

Right: Political Right...the right of petition. Blacks 3rd Ed. P. 524; Winnet v. Adam, 71 Neb. 817, 99 N. W. 681: see Black's Law Dictionary 7th Ed. Pg.1487-1488:

- 5 1st Amendment Constitution of the United States:
"...the right of the people...to Petition the Government for a redress of grievances".

Petition: A formal written application to a court requesting judicial action on a certain matter. A recital of facts which gives rise to a cause of action"

- 6 Title 8 USC 1503 (a):
"If any person who is within the United States claims a RIGHT or PRIVILEGE as a National of the United States – 8 USC 1101(a) (22), and is denied such right or privilege by any department or independent agency or official thereof, upon the grounds that he is not a national of the United States, such person may institute a action under the provisions of section 2201 of titled 28, United States

codes...against the head of such department of independent agency for a judgment declaring him to be a national of the United States..."

Privilege: "A particular and peculiar benefit or advantage enjoyed by a person, Company, or CLASS, beyond the Common advantage of other Citizens. An exceptional or extraordinary power or exemption. A peculiar right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others".

7 14th Amendment

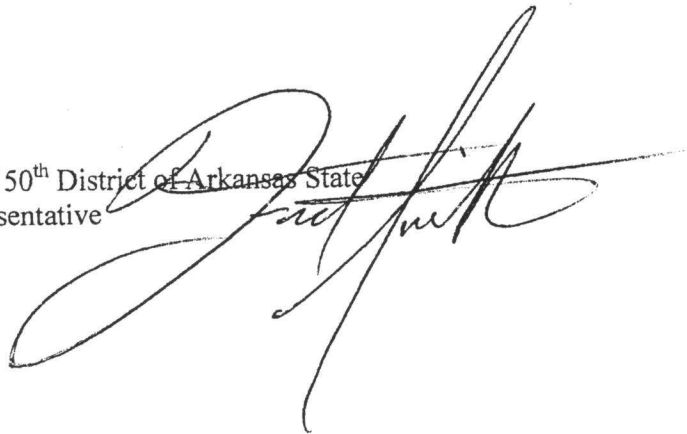
"No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person protection of the law".

The term "Right" is nowhere defined as a filing fee, Payment, charge, burden or tax and is in violation of Constitution of the United States herein asserted. As a Foreign National Preamble-Posterity ...Citizen of the United States [whose ancestors additionally served in the Army and Navy of United States] We, claim, inter alia, the Right or Grand Fathering or Grandfather Clause.

As a "National of the United States" I have claimed the Right and Privilege so indicated in 8 USC 1503 (a), inter alia, here in named and when challenged by anyone in the department of the Clerk of court, action pursuant to 8 USC 1503(a) against the head of such department in accordance with 8 USC 2201 shall be initiated.

This 19 day of FEBRUARY 2017

Constituents of 50th District of Arkansas State
By State Representative
Fred Smith



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Former Ark. Rep. Frederick Smith

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS Lieutenant Shawn Gardner
Lieutenant - Tim K. Knuckles
Sargent - Barry Roy
Arkansas State Police Department

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 FRAUD By Ark. state police, illegal Entering Petitioner into the FBI "NCIC" as a Convicted Felony, as I became a Ark. State Rep.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____
 CHECK YES only if demanded in complaint. JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

UNITED STATES DISTRICT COURT

for the

Former ARK. State Rep. Frederick Smith

Plaintiff(s)

Lieutenant

v.

1. Shawn Gardner

Lieutenant 2. Tim K. Knuckle

3. Sargent Barry Roy

Defendant(s)

4. Arkansas state police Department

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

- 1. Lieutenant Shawn Gardner
- 2. Lieutenant Tim K. Knuckle
- 3. Sargent Barry Roy
- 4. Arkansas state police Department

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

DISTRICT COURT OF THE UNITED STATES
EASTERN DIVISION OF ARKANSAS
JONESBORO DIVISION

Case:

Frederick Smith

Vs.

Sargent Barry Roy Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

Lieutenant Tim K. Knuckles Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

Lieutenant Shawn Gardner Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

Ricky G. McKelvey Officer 1State Police Plaza, Little Rock, AR, 72209

ARKANSAS STATE POLICE DEPARTMENT 1State Police Plaza, Little Rock, AR, 72209

MOTION
CLERK OF COURT
TO
INITIATE SERVICE OF PROCESS

COMES NOW; Petitioner to complain and motion the clerk of court the following:

SERVICE OF PROCESS FRCP 4.1

Pursuant to Rules of court the petitioner herein moves the clerk of court to initiate the "Forma Pauperis" on the above case and serve defendants as required by the rules of court to comply with FRCP 4 and 4.1. The Clerk of the Court is directed to prepare summonses for the

Sargent Barry Roy Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

Lieutenant Tim K. Knuckles Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

Lieutenant Shawn Gardner Arkansas State Police 1State Police Plaza, Little Rock, AR, 72209

Ricky G. McKelvey Officer 1State Police Plaza, Little Rock, AR, 72209

ARKANSAS STATE POLICE DEPARTMENT 1State Police Plaza, Little Rock, AR, 72209

The United States Marshal is directed to serve the summons, complaint, and this order on the defendants, Plaintiff Fred Smith filed this case *pro se*, along with an application to proceed *i. forma pauperis*.

This 3 day of March 2018.

Fred Smith

