

Affidavit of Formal Complaint

To: Sheriff Tom McGraw at 1108 Co Rd 1, PO Box 604, Fairplay, Colorado, 80440.

I, **Kimberly Gregory** the undersigned, hereinafter, Affiant, domiciled at 1789 Lakeside Drive, Fairplay, CO, 80440, hereby make this Affidavit of Complaint of my own free will, and I hereby affirm, declare and swear, under my oath, that I am of legal age and of sound mind and hereby attest that the information contained in this Affidavit of Complaint is true and correct to the best of my knowledge.

I file this Affidavit of Complaint with Tom McGraw, in his capacity as a law enforcement officer, against the unconstitutional actions committed by Dick Elsner.

Basis of Law and Facts in this Affidavit of Complaint:

1. The Constitution for the United States of America is the Supreme Law of the land and supersedes all other lesser law, statutes, codes, regulations and the State Constitution.
2. What is written in the referenced national Constitution is valid, authorized and enforceable. What is not written in the national Constitution is prohibited by that Constitution.
3. Article I, Section 1 of the national Constitution vests all legislative power in Congress. The Constitution does not authorize legislative power in any form to the Executive and Judicial Branches.
4. When the State Legislature creates law for the people, that law must be constitutionally compliant specific to the Bill of Rights or it is not valid law binding upon the people.
5. A law must be valid to exist and must exist to be lawfully enforced.
6. All elected and appointed public officials who serve the people, including you, Sheriff Tom McGraw, are required to take an Oath of Office to support and defend the Constitution before assuming office.
7. Any act passed by any legislature and any action committed by any public officer either supports and upholds the Constitutions, national and state, or opposes and violates them. No public officer has the constitutional authority—or any other form of valid, lawful authority—to oppose and violate the very documents to which s/he swore or affirmed his or her oath.
8. Any unconstitutional actions committed by **any public officers**, including you, Tom McGraw, invoke the **self-executing Sections 3 & 4 of the 14th Amendment**, by which the errant public officers immediately vacate their offices, upon commission of their crimes, can no longer hold public office and forfeit all benefits thereof, including salary and pension.
9. Executive orders are not authorized in the national Constitution, therefore are prohibited by the national Constitution.

Complaint:

The Affiant has previously sent an Affidavit/Declaration of Truth to Dick Elsner, who by his actions, perjured his oath, violated and opposed the Constitution(s), the inherent rights and due process of law guaranteed to the people therein, and by those actions caused harm to the people, in the instant case, me. In the Affidavit, Dick Elsner was provided a lawful warning to rebut in kind the charges and claims made in the Affidavit, supported by truth, fact, valid law and evidence. Dick Elsner failed to rebut Affiant's Affidavit, in kind, by means of his own sworn, notarized Affidavit, supported by truth, fact, valid law and evidence, within the specified time limit, therefore, Dick Elsner tacitly admitted to and agreed with all of the charges, claims, averments and information contained in the referenced Affidavit. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." See: *U.S. v. Tweel*, 550 F. 2d. 297. "Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."

This Affidavit of Complaint calls for the immediate removal and arrest of Dick Elsner whose unconstitutional actions and violations of secured rights and due process of law are fully described and enumerated in the attached Affidavit/Declaration of Truth sent to Dick Elsner on 4/15/21, which Affidavit/Declaration is incorporated herein and made part hereof. Pursuant to your oath and the constitutional mandates imposed upon you thereby, you must act lawfully to remove from office and arrest Dick Elsner, since you cannot lawfully uphold, support, excuse, and condone the unconstitutional actions Dick Elsner has committed, and to which actions he has admitted.

Further, Affiant sent Affidavits to the oversight and supervisory personnel of the Attorney General, in which Affiant clearly stated that Dick Elsner committed unconstitutional actions that violated and denied guaranteed rights and due process of law, which actions harmed the people, in the instant case, me. As stated in the Affidavits sent to these oversight and supervisory personnel, they were notified that they are required, pursuant to their oaths, to stop and correct the unconstitutional actions committed by Dick Elsner, under their watch, and remove Dick Elsner from office. The Affidavits further stated that if they failed to so act, then, they support, abet and condone Dick Elsner's actions committed under their supervision. Therefore, by their unconstitutional support of Dick Elsner and his unconstitutional actions, the supervisory and oversight personnel have invoked the self-executing Sections 3 & 4 of the 14th Amendment, thus, have lawfully vacated their offices and forfeited any benefits thereof, including salaries and pensions. This Affidavit of Complaint calls for the removal from office of Dick Elsner and the supervisory and oversight personnel who were so notified by Affiant. The supervisory and oversight personnel failed to rebut Affiant's Affidavits sent to them, therefore, tacitly admitted to and agreed with all of the charges, claims, averments and information contained therein. A copy

of the Affidavits sent to the supervisory and oversight personnel are attached to this Affidavit of Complaint and made part hereof.

You, Tom McGraw, pursuant to your oath, must abide by that oath in the performance of your official duties and must lawfully act upon this Affidavit of Complaint filed by an American injured and damaged by the unconstitutional actions of the recipients of the Affidavits specified herein. If you fail your constitutional duty and your oath, then, YOU will also step outside the lawful scope of your limited, delegated duties and authority and will have invoked the referenced self-executing Sections 3 & 4 of the 14th Amendment, specified above.

Affiant further sayeth naught.

All Rights Reserved,

By _____

Kimberly Lynn Gregory, Affiant

Date

Notary Statement

In the State of _____

County of _____

I swear that on this ____ day of _____, the above named Affiant/Declarant, _____, appeared before me, and, of his own free will, signed this Affidavit of Complaint.

Notary Public

Seal:

My Commission Expires: _____

Date: