

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA THIRD  
DISTRICT

CASE NO: 3D20 24-1715  
Lower Tribunal Case No: 24-CA-000650-M

Keri Lynn Viegas, the individual  
James Viegas, the individual

Appellants,

v.

TIMOTHY REEDY, LISA REEDY AKA LISSA REEDY

Appellees.

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ON APPEAL FROM THE CIRCUIT COURT FOR THE SIXTEENTH  
JUDICIAL CIRCUIT, IN AND FOR MONROE COUNTY, FLORIDA

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APPELLANTS' INTIAL BRIEF

By: s/ keri-lynn:viegas  
By: keri lynn viegas  
c/o 17 S. Sherwood Glen  
Monument, Colorado  
keriviegas@yahoo.com

By: s/ james:viegas  
By: james viegas  
Florida

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## PREFACE

In this brief, the Appellants, James Viegas and Keri Lynn Viegas will be referred to and represented by james viegas, the living man and keri lynn viegas, the living woman. The Appellees, TIMOTHY REEDY and LISA REEDY, will be referred to as the REEDYS. The following symbols will be used: (R) – Original Record on Appeal

In this brief, citations to the Original Record on Appeal will be noted with “R\_(page number)”.

## ISSUES PRESENTED

1. **Question:** Did the lower court err as a matter of law when it entered final judgment of dismissing a valid claim and removing a UCC Financing Statement and Lis Pendens without due process of law on a land patented/Allodial titled property protected by a recorded God Trust?

**Law:** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States,

than according to the rules of the common law. *See 7<sup>th</sup> Amendment of the Constitution for the United States.*

“No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.” *See Article I Section 9 of the Florida Constitution.*

Maxim of Law 67b – Juries are the judges of fact and law in American jurisprudence. *State of Georgia v. Brailsford, 3 Dall. 1, 4; U.S. v. Dougherty, 473 F.2d 1132-33.*

**Answer:** The Appellants were not afforded a trial by jury as required by the 7<sup>th</sup> Amendment of the Constitution. Circuit judge dismissed case without due process of law thus violating the 5<sup>th</sup> Amendment of the Constitution. There were no rebuttals to the complaint/claims (R 11-35) and the Appellants continue to be harmed. The circuit court violated Article I, Sections 2, 9, and 22 of the Florida Constitution by deciding a case in dishonor with no evidence or witnesses provided thus violating his oath of office.

2. **Question:** Did the lower court err when the circuit judge ignored case papers and went straight to judgement without due process of law?

**Law:** An officer who acts in violation of the Constitution ceases to represent the government. *Brookfield Const. Co. v. Stewart*, 284 F. Supp. 94

*Maxim of Law 51p* – The main object of government is the protection and preservation of personal rights, private property, and public liberties, and upholding the law of God.

**Answer:** The Appellants were not afforded due process of law regarding the claims brought forth by lawful documents recorded in Monroe County.

Appellants were prevented from providing witnesses and evidence on the court of record. Circuit judge dismissed all claims without due process of law (R 52-53). *Maxim of Law 65u* – Constitutions and laws precede the judiciary. *Luther v. Borden*, 7 How. (48 U.S.) 1, 52.

3. **Question:** Was entry of the final judgment reversible legal error because circuit judge was judge and jury without any evidence or witnesses which is in violation of its constitutionally guaranteed due process rights according to the Florida Constitution and the United States Constitution?

**Law:** “The due process clause requires that every man shall have protection of his day in court, and the benefit of the general law, a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon inquiry, and renders judgment only after trial, so that every “citizen” shall hold his life, liberty, property and immunities under protection of the general rules which govern society. It, of course tends to secure equality of law in the sense that it makes a required minimum of protection for every one’s right of life, liberty, and property, which the Congress or the Legislature may not withhold.” *See, Truax v. Corrigan (1921)*.

**Answer:** The Appellees (Reedys) provided no answer to the claims brought to the court. Only a motion for extension of time (R. 43-45) was provided on August 28, 2024 with no answer from the court. Appellants have the right to have their claims heard by a jury of peers. Circuit judge did not follow due process of law and entered final judgment without allowing the Appellants to provide evidence and witnesses on the court of record thus violating the Florida Constitution, the United States Constitution, and the oath of office.

## STATEMENT OF THE CASE AND THE FACTS

This is an appeal from a final judgment entered by judge of the sixteenth judicial circuit court. (R.52-53). James Viegas and Keri Lynn Viegas, the natural living man and woman are the superior lien and allodial title holders of subject freehold property. A lawful UCC Financing Statement was filed with the Florida Secretary of State and lawfully recorded in Monroe County prior to the Monroe County Clerk issuing a falsified Certificate of Title to the Reedys in which the Clerk was reported for Identity theft.

The UCC Financing Statement was then transferred to the Reedys after the unlawful seizure of land patented property for payment in August 2023 which was recorded in Monroe County records. In September 2023, the Reedys were notified by certified mail that the UCC lien would be foreclosed if not paid in full.

On or about July 4, 2024, the Appellants entered a UCC foreclosure case in Monroe County to obtain payment or have the land patented property returned. No answer was ever provided nor any due process of law by the court. There is an ongoing Federal Lawsuit dated August 11, 2023 where a Lis Pendens was entered on the land patented property in addition to the one recorded in Monroe County.

## SUMMARY OF THE ARGUMENT

The Appellants have the right to a trial by jury. This was requested in the claims filed with the court (R 1-35). No due process of law or a trial by jury was provided by the lower court. Maxim of Law 62g. That which is valid in law has legal strength, force, and effect, or incapable of being rightfully overthrown or set aside. *Emerson v. Knapp, 75 Mo. App. 92, 97. I* Article I, Section 9 of the Florida Constitution states all natural persons are required due process of law.

## ARGUMENT

The trial court erred as a matter of law because it violated the unalienable constitutional rights of the Appellants by not providing a trial by jury as requested and afforded by the Florida Constitution and the United States Constitution. Maxim of Law 36a – A court of equity ought to do justice completely and not by halves. *Rice & Adams Corp v. Lathrop, 278 U.S. 509, 515.*

The trial court erred as a matter of law by voiding lawfully recorded documents without due process of law to present evidence and witnesses on the court of record. “Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and

under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs.” *Cooley, Const. Lim. 441*. Blacks Law 4<sup>th</sup> edition.

The trial court erred as a matter of law by violating the Writ of Quo Warranto No. 1776-1789-2015 filed by common law grand jury. The circuit judge did not provide legal recourse to We the People, kerilyn viegas and james viegas to address the grievances provided to the court on the record. *Maxim of Law 94h* – It is just that every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character. American Maxim.

## CONCLUSION

For the reasons set forth above, the Appellants respectfully request that this Court enter a mandate reversing the trial court’s entry of final judgment with instructions that it vacate/void the final judgment and proceed in a manner consistent with the Florida Constitution and the United States Constitution. Land patented freehold property held in private trust shall be returned to the rightful owners holding Allodial Title.

“If one fails to understand the fundamental principles of law, then there is no end to which he can be misled or deceived about what is right and what is wrong. Such a person could easily become subject to government encroachments, or be maneuvered into surrendering rights.” “A maxime is a proposition to be of all men confessed and granted without prooffe, argument, or discourse.” Id. 67a

Justice Gorsuch states the government cannot avoid a constitutional mandate by violating the 7<sup>th</sup> Amendment in his remarks dated November 29, 2023 in *SEC v. Jarkesy* (Doc # 22-859).

### CERTIFICATE OF SERVICE

I hereby certify that on November 25<sup>th</sup>, 2024, a true and correct copy of the foregoing was sent via eservice to: Bilu Law Firm agents for Appellees via eservice.

By: *s/ kerl lynn viegas*

By: *s/ james viegas*