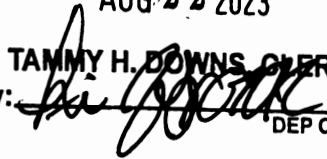


**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

AUG 22 2023

TAMMY H. DOWNS, CLERK  
By:  DEP CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION

OSCAR STILLEY

PLAINTIFF

V.

Case No. 4:23-cv-773-JM

DONALD J. TRUMP, JOHN THURSTON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF THE STATE OF ARKANSAS, RUDOLPH WILLIAM LOUIS GIULIANI, JOHN CHARLES EASTMAN, MARK RANDALL MEADOWS, KENNETH JOHN CHESEBRO, JEFFREY BOSSERT CLARK, JENNA LYNN ELLIS, RAY STALLINGS SMITH III, ROBERT DAVID CHEELEY, DAVID JAMES SHAFER, STEPHEN CLIFFGARD LEE, SIDNEY KATHERINE POWELL, MORRIS JACKSON BROOKS, JR., JOHN AND JANE DOES 1-99

DEFENDANTS

**PLAINTIFF'S VERIFIED COMPLAINT**

Comes now Plaintiff Oscar Stilley (Stilley) and for his verified complaint states:

**JURISDICTION AND VENUE**

1. Plaintiff Oscar Stilley brings this complaint pursuant to 1) the Declaratory Judgments Act, 28 USC 2201 et. seq., 2) common law or statutory mandamus or prohibition, see e.g. Arkansas Code Annotated

This case assigned to District Judge Moody  
and to Magistrate Judge Hearn

(A.C.A.) § 16-115-101 et. seq.,<sup>1</sup> and any federal analogue, 3) common law or statutory quo warranto, see e.g. A.C.A. § 16-118-105, to require the Defendants to show by what authority they have the right to pursue or hold any office of profit or trust under the United States or any state, 4) injunctive relief pursuant to Fed. R. Civ. P. 65, and/or such other authority as may be appropriate, 5) as a non-statutory action for non-monetary relief, 6) other appropriate legal theory whether or not set forth specifically herein.

2. On information and belief, the Defendants named in their individual capacities have engaged in insurrection, within the meaning of US Constitution Amendment 14, Section 3.

3. This Court has jurisdiction over the claims herein pursuant to 28 USC 1331, as arising under the Constitution and laws of the United States.

4. This Court also has supplemental jurisdiction over the closely related state law claims set forth herein, under 28 U.S. Code § 1367.

5. This Court has venue based on 28 U.S. Code § 1391(b)2 and/or (b)(3).

6. There is no more convenient forum for the Defendants. Competing litigation in multiple forums gives rise to a not insubstantial risk of inconsistent results, races to appellate tribunals, etc.

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<sup>1</sup> This pleadings was prepared with links to various legal authorities and other resources. They won't work on the filed copy because it is a scanned image of a paper copy. A copy with working links is available at <https://bustingthefeds.com/wp-content/uploads/2023/08/ComplaintDTrump.pdf>.

## PARTIES PLAINTIFF AND DEFENDANT

7. Plaintiff **Oscar Stilley** is a disbarred and disgraced former Arkansas lawyer.
8. Stilley has been a resident and citizen of Arkansas for the three years next past, and for most of the remainder of his life as well.
9. To the extent that he is permitted to do so, after full disclosure of the relevant facts to the County Clerk of Crawford County, Arkansas, Stilley plans to register as a Republican and vote in the upcoming Republican primary election on March 5, 2024, also known as “Super Tuesday.”
10. Stilley has the right to cast a ballot in the 2024 election, subject to the fact that he has been convicted of 2 utterly bogus counts of evasion of the federal income tax, plus one equally bogus count of “conspiracy.”
11. On information and belief, Stilley will be able to legally register and cast a ballot in the 2024 presidential election, if he “completes” his federal sentence before the registration deadline, including probation and parole. The precise requirements for “completing” Plaintiff Stilley’s criminal judgment aren’t exactly clear, since Stilley commenced an unlawfully imposed 33 month term of “supervised release” in February 2023.
12. Stilley has completed his initial sentence, including supervised release, since that supervised release was “revoked.”

13. Stillely has filed an opening brief in 10<sup>th</sup> Circuit 22-5113, his appeal of the revocation of supervised release, imposition of 3 months incarceration, 33 months on a new term of supervised release, and a panoply of utterly outrageous “special conditions.” The government filed an answering brief. Stillely thereupon filed a reply brief. Stillely later filed a motion for release pending appeal.

14. Stillely was convicted and sentenced to 15 years in federal prison for paying money to his co-defendant Lindsey Kent Springer, out of client funds in his IOLTA (Interest on Lawyers Trust Accounts) account, at the direction of the client, for money the government said (pretrial) that Springer had *earned*.

15. Giving a lawyer a choice between converting funds belonging to a client, or going to prison for 15 years for honoring his civil, criminal, and attorney ethics duties by paying an allegedly lawful debt incurred by a client in furtherance of the 1<sup>st</sup> Amendment right of peaceful petition, is pure lawlessness.<sup>2</sup>

16. Indeed, Stillely’s standby lawyer in his criminal trial, Charles Robert Burton IV, was disbarred while Stillely was in federal prison, in large part for having *converted* client funds – precisely what Stillely refused to do. State v.

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<sup>2</sup> Springer unsuccessfully argued that the payments were gifts, donations, or loans.

Burton. However, instead of admitting this and giving Stilley opportunity to seek other acceptable standby counsel, the presiding judge on 11-21-2022 tried Stilley without the assistance of counsel, sentenced him, and sent him directly to jail, denying release pending appeal, home confinement, etc.

17. On information and belief, Stilley by various lawful means including but not limited to his current criminal appeal, 10<sup>th</sup> Circuit 22-5113, will be able to lawfully register as a Republican voter, and cast a ballot with votes on most if not all election races in 2024, including primary and general elections for US president.

18. Stilley intends to vigorously pursue the lawful restoration of his good name and all his civil rights, including but not limited to his right to vote, and to actually vote in both the primary and general elections in 2024.

19. Defendant **Donald J. Trump** is a former US president. He is currently campaigning for the Republican nomination, to be placed on the November 2024 election ballot as the Republican standard-bearer. Opinion polls show that he is currently in the lead for the Republican nomination, by a substantial margin.

20. Donald J. Trump and all but one of the remaining individual capacity defendants have been indicted by a state grand jury in Fulton County, Georgia. See *State of Georgia v. Donald John Trump, et al*, Fulton Superior



Court 23SC188947, Docket #1 Indictment. This pleading is incorporated herein as if set forth word for word,<sup>3</sup> and alleged on information and belief.

21. Donald J. Trump has also been indicted in US District Court for the District of Columbia, for similar alleged crimes. See *US v. Donald J. Trump*, District of Columbia # 1:23-cr-257, Docket #1 Indictment. This pleading is incorporated herein as if set forth word for word, and likewise alleged on information and belief.

22. On information and belief, a previous office with an oath to uphold the US Constitution and a state constitution, is condition precedent to the civil disabilities contemplated by Amendment 14, Section 3.

23. On information and belief, the office of attorney at law, with its customary oath to uphold the US constitution and a state constitution, is a “triggering” office, for purposes of 14<sup>th</sup> Amendment analysis.

24. On information and belief, the office of attorney at law is an office from which insurrectionists are banned, by Amendment 14.

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<sup>3</sup> All defendants herein save John Thurston and Morris Brooks are entitled to service of this indictment by virtue of being defendants, and thus can scarcely deny knowledge of it. To the extent that this procedure is unsatisfactory to Defendants, Plaintiff is prepared to make allegations paragraph by paragraph in an amended complaint, to allow defendants to admit or deny each specific allegation. Otherwise, a general denial and demand for strict proof, as to the indictments incorporated into this complaint, is satisfactory to Plaintiff.

25. Defendant **John Thurston** is Secretary of State of the State of Arkansas, charged with receiving and processing filings for public offices of this state and the United States. He is also charged with determining which candidates are lawfully entitled to the placement of their name on ballots in elections with statewide and/or federal candidates. John Thurston is sued in his official capacity only.

26. On information and belief, Defendant **Rudolph William Louis Giuliani** is a former mayor of New York City, and also a bar licensed attorney. He is currently under indictment in Fulton County, Georgia for his acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be banned from holding the office of attorney at law.

27. Defendant **John Charles Eastman** is a California bar licensed attorney currently under indictment in Fulton County, Georgia for his acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be banned from holding the office of attorney at law.

28. Defendant **Randall Meadows** previously served as US representative for North Carolina's 11<sup>th</sup> Congressional district. He is currently under indictment in Fulton County, Georgia for his acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection

related to that incident, and should be banned from holding any office listed by Amendment 14.

29. Defendant **Kenneth John Chesebro** is an attorney currently under indictment in Fulton County, Georgia for his acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be banned from holding the office of attorney at law.

30. Defendant **Jeffrey Bossert Clark** previously served as US Assistant Attorney General from 2018 to 2021. He is currently under indictment in Fulton County, Georgia for his acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be banned from holding any office listed by Amendment 14.

31. Defendant **Jenna Lynn Ellis** is a bar licensed attorney, and also served as a deputy district attorney in Weld County, Colorado. She is currently under indictment in Fulton County, Georgia for her acts and omissions with respect to January 6, 2021. On information and belief she committed insurrection related to that incident, and should be banned from holding any office listed by Amendment 14.

32. Defendant **Ray Stallings Smith, III**, is a licensed attorney currently under indictment in Fulton County, Georgia for his acts and omissions with



respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be banned from holding the office of attorney at law.

33. Defendant **Robert David Cheeley** is a Georgia attorney currently under indictment in Fulton County, Georgia for his acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be banned from holding the office of attorney at law.

34. Defendant **David James Shafer** is a former Georgia State Senator from the Georgia District 48. He is currently under indictment in Fulton County, Georgia for his acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be banned from holding the office of attorney at law.

35. On information and belief, Defendant **Stephen Cliffgard Lee** is a former law enforcement officer, who took oath to uphold the constitutions of a state and the United States. He is currently under indictment in Fulton County, Georgia for his acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be banned from holding any of the “banned” offices of Amendment 14.

36. On information and belief, Defendant **Sidney Katherine Powell** is a former Assistant US Attorney, who took oath to uphold the constitutions of a state and the United States upon entry to that office. She is currently under indictment in Fulton County, Georgia for her acts and omissions with respect to January 6, 2021. On information and belief she committed insurrection related to that incident, and should be banned from holding the office of attorney at law.

37. On information and belief, Defendant **Morris (Mo) Jackson Brooks, Jr.**, took oath to uphold the constitutions of a state and the United States, upon entry of the office of US representative for Alabama's 5<sup>th</sup> Congressional District in 2011. He is currently under criminal investigation in Washington, DC, for acts and omissions with respect to January 6, 2021. On information and belief he committed insurrection related to that incident, and should be barred from holding the office of attorney at law.

38. As to all persons found to have committed insurrection subsequent to the entry in a "triggering office," Plaintiff Stilley requests that said person be barred from any "banned office" within the meaning of the 14<sup>th</sup> Amendment.

#### **EXPEDITED PROCEEDINGS REQUESTED**

39. Plaintiff inquired of the office of Mr. Thurston and learned that the office does not have a means whereby a private citizen might mount an

administrative challenge to the inclusion of any candidate for public office on the appropriate voter ballots.

40. Rather, any such challenge to the qualifications of a candidate for public office must be brought in an appropriate court.

41. Plaintiff currently suffers legally cognizable harm and damage from uncertainty and confusion about who is qualified to run for the office of president, on the Republican ticket.

42. Plaintiff cannot reasonably pick a favorite, without knowing who is and who is not legally qualified to run and if successful occupy the office of president of the United States.

43. Defendant John Thurston is a resident of the Eastern District of Arkansas. In addition to the ongoing harm and damage, Plaintiff will be injured if and when the Arkansas Secretary of State is forced to accept, consider, and process Donald J. Trump's application to appear on the ballot for the Republican primary, without reasonably definite and certain knowledge as to whether or not he is legally qualified to run for, and if successful occupy the office of president of the United States.

44. Plaintiff includes John and Jane Does because, on information and belief, other persons in positions holding "triggering" offices within the meaning of Amendment 14 gave various forms of aid and comfort to the insurrectionists, often while feigning opposition to any such insurrection.

45. On information and belief, the time for party candidate filing in Arkansas is from noon on November 6, 2023, through noon on November 14, 2023. Ark. Code § 7-7-203(c)(1).

46. This matter is complex. The 98-page Georgia indictment has 41 criminal counts against 19 defendants. The District of Columbia indictment is 45 pages long. The existence of unindicted co-conspirators may be safely assumed, although it may not be necessary to include all such in this litigation.

47. Fairness to the Defendants virtually mandates an early filing of this suit, in order to accord the Defendants with a reasonable amount of time to do discovery, establish the facts, prepare for and conduct a trial, prosecute any circuit appeal, and prosecute any appeal or petition to the US Supreme Court.

48. Fairness to the citizens, voters, and taxpayers requires that this cause be filed early and prosecuted with all deliberate speed, lest the 2024 nominations and elections be thrown into confusion and chaos.

49. Failure to timely resolve the issues raised herein could conceivably disenfranchise approximately half the voters of this country, with unpredictable and potentially disastrous results.

## **THEORY OF LIABILITY**

50. Since most politicians avoid anything remotely related to insurrection like the plague, there is a paucity of authority as to the precise boundaries of conduct constituting “insurrection” within the meaning of the 14<sup>th</sup> Amendment.

51. Plaintiff Stilley proceeds on the basic theory that insurrection has the meaning found and determined in *Pan American World Airways, Inc. v. Aetna Casualty & Surety Co.*, 505 F.2d 989, 1017 (2d Cir. 1974), as follows:

...insurrection means “[1] a violent uprising by a group or movement [2] acting for the specific purpose of overthrowing the constituted government and seizing its powers.”

52. Plaintiff Stilley also proceeds on the theory that anyone who “aids, abets, counsels, commands, induces or procures,” an “insurrection” as defined by the constitution, statutes, and pertinent case law of the United States, with the conscious object of making it more powerful, more destructive to persons or property, more disruptive to the normal functioning of government, or more likely to successfully overthrow the constituted government than would otherwise be the case, is likewise an “insurrectionist” within the meaning of the 14<sup>th</sup> Amendment, regardless of their subjective motivations. See e.g. 18 USC 2.

53. “Constituted government” for purpose of this litigation should not be construed to categorically exclude a duly and lawfully elected successor



executive. Stilley plans to obtain greater certainty as to this issue, through declaratory judgment in this case.

54. Defendants are hereby placed on notice that Plaintiff Stilley is furthermore prepared to prosecute this litigation under 1) any theory of liability proposed by any judicial officer presiding over this litigation, or 2) any non-frivolous theory of liability advanced in a written pleading by any intervenor, or the plaintiff(s) in any related or parallel litigation.

55. With respect to theories of liability raised in related or parallel litigation, Stilley will give notice of his intent in a written pleading filed as promptly as is reasonably possible, to ensure that the Defendants have fair notice and opportunity to be heard in opposition.

56. Plaintiff Stilley is prepared to co-operate with responsible parties seeking intervention on the side of the Plaintiff, in order to ensure the vigorous, thorough, professional, and expedited prosecution of this lawsuit.

### **COUNT 1 – DECLARATORY JUDGMENT**

57. Plaintiff incorporates all parts or counts of this complaint into all other parts or counts.

58. On information and belief, the acts and omissions complained of in the aforementioned federal indictment in the District of Columbia, as well as the state court indictment in Fulton County, Georgia, taken in their entirety,

amount to “insurrection” within the meaning of Amendment 14, Section 3 of the US Constitution.

59. On information and belief, various Doe defendants provided “...aid and comfort to the enemies...” of the United States, within the meaning of Amendment 14, Section 3, all while claiming to thoroughly oppose such enemies. Carlson – Steven Sund Interview.

60. On information and belief, certain Doe defendants used instigators to agitate the crowd on January 6, 2021, so that violent and unlawful acts were committed, which would not have been committed otherwise.

61. On information and belief, at least some of these instigators and agitators and their benefactors were shielded from prosecution, and furthermore were not disclosed to “January 6” defendants as material witnesses, in federal prosecutions.

62. American voters have a reasonable, lawful expectation of knowledge of who is and who is not entitled to appear on the ballot as candidate, and to be seated in office in case of a victorious campaign.

63. On information and belief, all of the individual capacity defendants in the caption set forth above, and various Doe defendants as well, have forfeited their right to any office of profit or trust under the United States or any of the several states.

64. Stilley claims and requests a declaratory judgment to that effect, should the Plaintiff (with or without the assistance of intervenors) satisfactorily prove his case.

65. Bar licensed attorneys are generally considered to be “officers of the court.”

66. Furthermore, many oaths of office of attorneys at law require the attorneys to correct known falsehoods to a tribunal. See e.g. Oath of Office for Oklahoma Attorneys.

67. On information and belief, the office of attorney at law is both a “triggering office,” and a “banned office,” under Amendment 14, Section 3. Stilley requests that this court include determination of these questions in its declaratory judgment, as it deems appropriate in consideration of the law and facts presented by the parties to this litigation.

68. Plaintiff Stilley seeks nothing but justice, with the balance held nice and true, with no favor to great or small, rich or poor, weak or powerful.

69. Stilley by no means seeks to criminalize the practice of law, or chill attorneys from the vigorous, even aggressive representation of their clients.

70. Stilley by no means seeks to punish attorneys or their clients for the good faith exercise of the 1<sup>st</sup> Amendment right of peaceful petition, etc., even if in hindsight their perception of the facts turns out to be clearly, even embarrassingly erroneous.

71. Stilley seeks declaratory judgment according to the best judgment and determination of the Court, based on the evidence as applied to the law determined and found by the Court.

### **COUNT 2 – QUO WARRANTO**

72. Stilley incorporates all other parts of this complaint, into this count.

73. Stilley claims a writ or order of quo warranto, pursuant to common law or statute as may be appropriate, commanding the individual capacity Defendants, particularly but not limited to Donald J. Trump, to show this Court what reasons they have, if any, that they should not be barred from any office of profit or trust, in the United States or any state, unless and until such disability is removed by Congress.

### **COUNT 3 – MANDAMUS OR PROHIBITION**

74. Stilley incorporates all other parts of this complaint, into this count.

75. Stilley claims a statutory or common law writ of mandamus or prohibition, such that the Defendant Secretary of State of the State of Arkansas is forbidden to accept and process the forms for ballot access, for the Republican Primary Election or for the General Election for 2024, for Donald J. Trump.

76. Stilley claims a statutory or common law writ of mandamus or prohibition, such that the individual capacity defendants are prohibited from

seeking or holding any office of profit or trust under a state or the United States.

#### COUNT 4 – INJUNCTIVE RELIEF

77. Stilley incorporates all other parts of this complaint, into this count.

78. Stilley claims common law or statutory or rule based injunctive relief commanding the Secretary of State of the State of Arkansas not to accept and process the forms for ballot access, for the Republican Primary Election or for the General Election for 2024, for Donald J. Trump.

79. Stilley claims injunctive relief commanding the remaining defendants including Doe defendants timely brought in, or such defendants as are found to be insurrectionists, not to seek or occupy any office of profit or trust in any state or the United States.

WHEREFORE, Stilley respectfully requests that this Court enter declaratory judgment that the individual capacity defendants are insurrectionists, who may not lawfully seek or occupy any office or profit or trust under any state or the United States; order the Secretary of State not to place the name of Donald J. Trump on the primary or general ballots in Arkansas, for this election cycle or any subsequent election cycle; for mandamus, prohibition, quo warranto, or injunctive relief as the Court finds appropriate and justified by the evidence; and for such other and further relief as may be appropriate, whether or not specifically requested.



**VERIFICATION**

Oscar Stilley by his signature below pursuant to 28 USC 1746 declares under penalty of perjury that the foregoing facts are true and correct.

/s/ Oscar Stilley

August 21, 2023

Date



Respectfully submitted,



By: /s/ Oscar Stilley  
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August 21, 2023

Date