

The Courts are not the Government and have no authority lawfully over you.

Arguments to present as evidence.

When you are charged with any 'crime' (definition: violation of public policy (code)) the first thing to do is to do a debt validation or, order to show cause in the form of a Conditional Acceptance. The maxims of law are always true, such as "he who does not deny, admits" or "an unrebutted affidavit stands as truth", and the system of justice is built around 'honor and dishonor'. When you receive a 'presentment' (document or instrument) making a claim on you (CPS wants your children, or you violated a penal code or vehicle code) you would be in dishonor if you fail to answer it and will receive default judgment. If you fail to show up at court it is a default judgment. So don't be in dishonor and question the charge or debt owed. In the simplest form is would be making a photo copy of the original 'presentment' (traffic ticket, court summons, Notice of Default (foreclosure)) and writing in red pen diagonally across it "refused for cause" "per UCC 1-308" then qualify your signature by putting "without prejudice" (this retains all your rights and without it you lose your rights) then " By:" to the left of your signature and then your signature and below your signature "authorized representative."

If your all CAPITAL LETTER name is on the presentment, i.e. JOHN H. DOE then that is a ens legis, legal fiction, (not living soul) and you are the Authorized Representative of that Corporate Fiction, see UCC 3-402<sup>1</sup> showing the authorized representative is not liable for the party signed on behalf of, i.e. JOHN DOE. Get a friend or neighbor or anyone 'not a party to the case' that is not named or someone who will be called as a 'witness', to fill out a 'proof of service by Mail' and put you response in the letter and mail it back 1st class, if it isn't that important, Certified Mail (and include the certified Mail # in the proof of service) if it is more important. If it is very important and will be the best form of evidence at a court case get a green signature receipt card to go with the Certified Mail (\$3.50+ \$2 for the green card) as this will be allowed as evidence).

If it is really important send it Registered Mail with a green card (\$13+\$2). Next always try and find a living soul who has a proven responsibility like the CEO or Board member or Chief, to send you presentments to, i.e. look up the CEO of the Bank who is foreclosing, or the judges name, or the clerk of the courts name, and send it to john-henry: doe c/o (the address or

business address); that way your contract is going to the living soul "in care of" the address and not the fictional COURT or BANK or STATE OF, etc. and remains on the private side, in the real world not in a fictional world. They are then personally responsible because the COURT which is a Corporate business cannot be sent to jail only living souls can be sent to jail, or have liability. The statement "*refused for cause*" is a counterclaim as they made a claim and you are countering their claim saying you "refuse" to contract with them, unless they can "*show cause*" why you have a liability. Under the 6th Amendment you have the right in any criminal case to know the "nature and cause" of the action against you. If this is a criminal charge you have the 'right' to demand to know how you became 'liable' for the alleged debt to society, or to face the charges , i.e. money owed-it's all about money see U.S. CFR 72.11 "*all crimes are commercial.*" Unless they can show points and authorities which are statute law, case law which are judgments in court decisions, any contract you have violated, etc. you are NOT liable and their charges are FALSE and fraud and an attempt at extortion. If Three (3) or more government actors are in collusion "without due process" the legal definition of which is to deny your rights, the charges would be racketeering to try and extort fraudulent claims against you.

The next level of response which can occur later than the three (3) days you have to use the "refused for cause" reply would be a "*Conditional Acceptance.*"

The conditional acceptance is staying in honor by accepting the claim conditioned upon proving the claim. I include an example later in this document. You will give a time period to rebut and prove or "*show cause*" why the claim is valid. Failure to prove the claim will be evidence of it being fraudulent and having no basis in fact.

The next level of serious authority on your part would be an "Affidavit" and "Self-Executing Contract."

In this level of response you will get an affidavit notarized as an affidavit is more powerful than a declaration or statement, which the conditional acceptance is. The affidavit is a sworn statement of your own experiences (you cannot include 'hearsay' evidence, i.e. hearsay is "Bob told me the case worker said..." because you did not hear the case worker say anything, and is only your experience or your personal beliefs. The affidavit

will have to be answered and rebutted with a notarized sworn affidavit or the oppositions' rebuttal will not have as much authority as your sworn affidavit. Once the Notary puts their seal on the instrument it is in the public record as it is recorded in an agent of the Secretary of States Notary Journal. The self-executing contract will be a performance contract establishing consequences for non-response to your affidavit. Examples are provided at the end of this document.

Now let's look at whether the courts, police and government as we know it has any authority over us and what 'jurisdiction' (control) is.

One has to read and understand the United States Constitution and the State Constitution and have a basis of knowledge about the "LAW of The Land."

First off, what is your status? Are you a subject of a King? The subject of a Government? The subject of a State?, the subject of your neighbor? Answer each of the above questions to get an idea of what your knowledge about your status is in relation to the entities named.

The pilgrims coming to America circa 1700 were 'subjects' of the King of England. The King was sovereign. Sovereign means no higher power exists and the sovereign makes the law as stated in these Supreme Court decisions:

.."at the Revolution, the **sovereignty devolved on the people**; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... "CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472. [verified]  
"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, **while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people**, by whom and for whom all government exists and acts." Yick Wo v. Hopkins 118 U.S. 356; 6 S.Ct. 1064 (1886) [verified]

"**The people** of this State, as the successors of its former sovereign, **are entitled to all the rights which formerly belonged to the King by his prerogative.**" Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business ...**The people** of this state do not yield their sovereignty to the agencies which serve them." California Government Code, Section 11120.[Bagley-Keene Open Meeting Act.[verified]

"The very meaning of '**sovereignty**' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

So the King was expelled and we had no Sovereign above us and became common-law freemen/women.

Was there any form of law in existence? Yes the States had their own common law procedures. We created a common-law trust known as the Constitution of the united States, wherein the people are the Grantors,

Beneficiaries and the Government, employees, became the Trustee's. Their oath of office is their acceptance of the trustee position and promise to perform. We formed a Republic form of government<sup>2</sup>, which is ruled by law.

Wherever the word Law appears in the Constitution it means Common-Law<sup>3</sup>. All attorneys at law= equals attorneys at common law. Courts of Law= courts of common law. Does that mean that a common law freeman can trespass on his neighbor without consequences? No. His neighbor can accuse him of a trespass or other injury or loss and hold him accountable by a jury of his peers. We live in a Republic not a Democracy. The word democracy appears nowhere in the U.S. Constitution and could not for it would be repugnant to it.

Get a copy of the California Constitution from your assembly person (for free) it contains the source of law for California and lists: the Magna Carta (1215 A.D.-common law), the Declaration of Independence, the U.S. Constitution and the 1879 California Constitution among others. So if the Declaration of Independence is law (and it is) then I have a Right not a privilege that cannot be infringed upon, to "life, liberty and the pursuit of happiness" which originally said 'pursuit of property' because property ownership is crucial to freedom. "All men are created equal" stated clearly in the Declaration of Independence means if I can't tell you what to do, you can't tell me what to do or we are all equally sovereign and under common

law. Think about this. If I can't establish a tax payable to me by you for any reason, please explain how I gave that right to a group of men and women i.e. the legislature?

It is well-established fact that you cannot give what you do not possess. Yet the legislature would have me believe that I gave that right to them to vote on my behalf and that I would be liable for any act they pass. Read the writings of Marc Stevens for more on this concept. Is that true? Is there any basis in law for having another man force me to do his bidding at the barrel of a gun? Can anyone prove they have that authority with points and authorities? NO, No No.

Jurisdiction<sup>4</sup> is another word for control or slavery. If I have jurisdiction which originally was Latin for 'oath spoken' or 'pledge' to the feudal lord, over you, then I have the right to have you obey my word. Slavery is prohibited by the 13th Amendment and the California Constitution, so how does the court or State or Federal government have jurisdiction i.e. control, over me? I guess I could volunteer to be a slave? The 14th Amendment<sup>5</sup> gives us the legal definition of United States Citizen. So if you state you are a United States Citizen you agree voluntarily to be a slave 'subject to the jurisdiction' of the UNITED STATES, ...INC. and its subsidiary CORPORATIONS CA, TX, AZ., etc.

Why do you think you are taught to "pledge" allegiance to the UNITED STATES?, sign every tax return as a U.S. citizen, every W2, W4, W9, Bank card application, Driver's license, Passport, etc. The Federal Corporation wants you to testify you are their subject and supply them with a form of proof of that.

So we gave up being subjects of the King to be subjects of the government.

Let's look at the hierarchy of status.

God has the highest status on the list as Grantor, Creator of all living things, then Man; then Mans creation i.e. the Constitution; then the creation of the Constitutions, i.e. the Governments; then the creations of the governments, i.e. licensed corporations subjects (you as slaves). So you are only a slave if you volunteer and don't upset the presumption the court makes and the government makes that you are a slave "subject to the jurisdiction" of them.

Now lets' look at evidence the Government is not the dejure (lawful) government but is a corporation falsely representing itself as having authority.

The court cases shown above outline my right to claim I'm sovereign.

If I have been deceived into signing a contract giving up my sovereignty is that lawful?

What are the lawful elements of a contract?<sup>6</sup>

A meeting of the minds or full disclosure is a common law requirement or the contract would be unconscionable and void. No one would enter into an agreement where he would not know what he was bargaining for or where he would give up something of value and receive nothing of value so those would be unconscionable contracts and be void.

If the STATE told you that by signing a marriage license you would be giving them total control over your marriage and give the STATE authority over the product of the union (your children) would you do it? Or would you get hitched the old fashioned way in "*holy matrimony*" before God, God's witness (the preacher) and your community of fellow inhabitants, thus keeping your rights to your children?

Without the Marriage license there is no legal authority CPS can take your children without your 5th Amendment right to Due Process i.e. to be heard in a court and defend your rights, or by being NOTICED and having the opportunity to respond before your rights are violated.

Let's look at another Supreme Court case:

"It is one thing to find that the Tribe has agreed to sell the right to use the land and take valuable minerals from it, and quite another to find that the Tribe has abandoned its sovereign powers simply because it has not expressly reserved them through a contract. To presume that a sovereign forever waives the right to exercise one of its powers unless it expressly reserves the right to exercise that power in a commercial agreement turns the concept of sovereignty on its head." MERRION et al., DBA MERRION & BAYLESS, ET AL. v. JICARILLA APACHE TRIBE et al. 1982.SCT.394 , 455 U.S. 130, 102 S. Ct. 894, 71 L. Ed. 2d 21, 50 U.S.L.W. 4169 pp. 144-148 [verified]

So if I am a sovereign, one of the people and not a 14th, Amendment "Citizen of the United States", even though I did not reserve my rights I cannot lose them forever more. If you hadn't noticed no one has any United States Constitutional Rights in court anymore.

Would you like to get them back?

I believe you can.

First file an "*affidavit of truth*" stating your right to claim sovereignty and renounce any presumption you are a 14th Amendment citizen of the U.S. and establish that you are not the ens legis, legal fiction JOHN DOE in all capital letters that appears on every government letter you receive and from every licensed corporation such as PG&E, AT&T, DMV, BANK STATEMENTS, IRS, etc.

They will never address you correctly using your living soul, upper and lower case name John H. Doe. Want proof you are the authorized representative of the trust JOHN DOE? Look with a high powered magnifying glass at the signature line on your Bank Check. It is micro print and says "authorized signature only" over and over and is not a line at all. Your account is JOHN H. DOE and you sign as the "authorized signature" because a legal fiction can't sign as it has no hands to sign with.

The STATE OF CALIFORNIA is a dead piece of paper sitting on a table and cannot order you to do anything. How can a piece of paper or an idea physically affect you? But the fiction can order (through its agents) another legal fiction (JOHN DOE) to do something. This is one reason why all court documents, Tax bills, property tax bills, phone bills, etc. come to the fiction, the all capital JOHN DOE, and not to you.

Next the Constitution does not apply to me. I did not sign it, and I am not a party to the contract trust. But I can be if I choose to be. The judge, the Government agents, all took an oath (as trustee) to execute the trust and it is waiting for my agreement to become a binding contract to honor my rights.

Let's look at OATHS and BONDS. I go to the County Clerk's office and get a certified copy of the District Attorney's Oath and the Sheriff's oath, Chief of Polices Oath and the Judges oath, and write "For your service to the

community I accept your oath of office as a binding bi-lateral contract" and sign it "without prejudice" By: john-henry: doe as authorized representative of JOHN DOE. Now we, i.e. the oath pledger and I, are in contract to honor the Constitutions (U.S. and CALIFORNIA). This along with the Truth affidavit will secure my rights in court.

In addition I break any presumptions the court has about my status. of which they have plenty, by stating when my name is called: **"I am here on that matter** (I don't give my name) **as the authorized representative of the all capital name JOHN DOE, the defendant, I'm one of the people of the Republic of California** (this indicates my sovereign status-see above), **in this "court of record"** (indicates common law status, see above) **"by special appearance to challenge jurisdiction only and will cross the bar retaining all my unalienable rights and waiving none by your consent judge?"** and wait for consent before crossing into the admiralty/equity jurisdiction which is represented by the gold fringed military flags flying on the walls indicating the form of law being practiced in the court. If the judge refuses to consent, I ask again; a second time: **"by special appearance to challenge jurisdiction only and will cross the bar retaining all my unalienable rights and waiving none by your consent judge?"**

I ask again; a third time: **"by special appearance to challenge jurisdiction only and will cross the bar retaining all my unalienable rights and waiving none by your consent judge?"**

and after the third time of non-consent I state **"the judge is intentionally denying my unalienable rights,** they won't go there as it would void the case for lack my right to due process.

Once I have crossed the bar, I ask **"Will the State's Judicial officer give me his/her name?** Ask 3 times after no response state **"Let the record show there is no State judicial officer present in this court."** If they try to state you're in contempt of court state remain silent or state **"I conditionally accept you statement based upon proof of claim of authority and jurisdiction."** You are not arguing, You talk calmly and let the judge finish their statements before proceeding but I am firm, on my mission and bring everything written out on a piece of paper to go back to for reference so I don't forget the points I want to address.



The CALIFORNIA CONSTITUTION ARTICLE VI JUDICIAL SEC. 1. "The judicial power of this State is vested in the Supreme Court, courts of appeal, and superior courts, all of which are courts of record." So then what is a court of record?

"A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate [the jury] designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v Jones 188 Mo. App. 220, 175 S.W. 227,229: Ex parte Gladhill, 8 Metc. , Mass. , 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406,155 N.E. 688, 689 [ BlacksLaw 4th Ed., '68,pg426]

So in common law who is the tribunal, the decider of both the facts and the law? It is the Jury of your peers. Justice OLIVER WENDELL HOLMES in Horning v. District of Columbia, 254 U.S. 135 (1920)): "The judge cannot direct a verdict, it is true, and the jury has the power to bring in a verdict in the teeth of both law and facts." [Verified]

U.S. SUPREME COURT (State of Georgia v. Brailsford, 3 DALL. 1,4): "...it is presumed, that the juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But still, both objects are within your power of decision. You have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy."

We see that everything is lawfully present when seen in its true reality. The California Constitution requires common law to be practiced in every court in the state and the magistrates are unlawfully applying codes and statutes that they have no authority to apply because there is no legislated laws in Common-law, the law is whatever the people on the jury declare it to be as guided by the golden rule of "All things whatsoever ye would that men should do to you, do ye so to them; for this is the law and the prophets." KJV Matthew 7:12

Need more proof?

"It may be maintained, at least plausibly, that the admission of California into the Union, "on an equal footing with the original states," of itself operated an immediate transfer of the property in the unnavigable rivers to

the federal government, so that the property of the state was momentary. However this may be, on the 13th of April, 1850, the legislature of California had passed an act "adopting the common law," which reads: "The common law of England, so far as it is not repugnant to or inconsistent with the constitution of the United States, or the constitution or laws of the state of California, shall be the rule of decision in all the courts of this state." (Stats. 1850, p. 219.) The validity of the acts of the first legislature of California, or of rights acquired under them, even prior to the admission of the state, has never been questioned. Certainly, when constitutional, those acts became valid and in operation for every purpose from the date of the admission of the state into the Union." Lux v. Haggin 69 Cal 255 (1886) [verified ] I put 'verified' next to every cite I have personally checked. The codes of California were never lawfully enacted as they did not meet the Constitution requirements. The Code of Civil Procedure, for example, claims to have been "enacted 1872." The Plaintiffs hereby declare that it must be noted that it does not state its origin in the manner of "Stats. 1872, ch. ???."

This is significant because every valid Statute of California has a reference to its origin in the manner of "Stats (legislative year), ch. (number)." This method began with Stats 1850, ch. I, and has continued since. This is due to the constitutional mandate found at Article V, Section 19, where it states, "The Secretary of State shall keep a fair record of the official acts of the legislative and executive departments of government, ..." This mandate is in the 1849 California Constitution as the codes were originally allegedly enacted in 1872 and the fraudulent 1879 Constitution hadn't been enacted yet. It was fraudulent because while the 1849 Constitution was voted upon by the "Citizens of California", the 1879 Constitution could only be voted upon by "United States Citizens" i.e. the subjects of the US GOVERNMENT created by the 14th Amendment. The 1879 Constitution also was never accepted by Congress at the time so it's void. Everything is public policy and applies to the employees of the STATE and not without consenting to it, by the people of California. Oh and by the way, you're probably not a "person"<sup>7</sup> so be wary of that term. So is JOHN DOE a person? When the code says 'every person' are they referring to the living soul? Why don't they say 'every man' where man refers also to woman, or 'any man' instead of 'any person'.

In the case CHARLOTTE A. LEWIS, administrative, etc. v. FRANK H. DUNNE, judge ( 134 Cal. 291)[86 Am. St. Rep. 257, 55 L. R. A. 833, 66

Pac.478] "Petitioner contends that the act in question is void because violations of the following parts of section 24 of the article IV of the state constitution: "Every act shall embrace but one subject, which subject shall be expressed in its title,,,," "and the decision stated "Our conclusion is, that, for the reasons above stated, the said act of March 8, 1901 [revision of code] is unconstitutional, and void for all purposes, and is inoperative to change or in any way affect the law of the state as it stood immediately before the approval of said act."

So if a revision is void for not stating one subject in the title what do you believe the original enactment was? It was void because the legislature voted on an act that included hundreds of parts all not stated as one subject in the title and voted upon individually. The Penal Code, Civil Code, etc. are all unconstitutional and were never lawfully enacted. I subpoenaed the Supreme court for a legal determination of the Code being Constitutional and they refused to honor my request.

Open a case or go into your open or closed case and get a subpoena duces tecum and serve [in person] the Supreme Court and the Attorney General to get a declaratory judgement and or testify to the lawful enactment and Constitutionality of what you are being charged with and see what happens.

28 USC> PART VI >CHAPTER 161>§ 2403 "(b) In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality" verified.

You should see them dancing around the Supreme Court and AG did to get out of answering the simple question I posed in my subpoena.

Next up; are the government officials truly government officials? After you get certified copies of their oaths and Bonds for local DA, SHERIFF, POLICE at the County Clerk's office, for the Judges and Court employees such as the CEO or Chief Executive Officer (i.e. Head Clerk of the Court) from the Secretary of State where they keep them on file. Make copies of the

Certified copies and enter them into the record and bring the originals to court for examination to prove it. Yours might disappear from the case file.

When you enter the copy make a copy of title 20 section 3 of the California Constitution on the back to show their oath is defective. Their office is void and vacant if after 30 days they do not file the correct oath and bond. See that attached oath info and Bond info. 54 of 58 counties in California have elected to have CSAC issue an insurance policy in lieu of a Bond but it only protects the county against the employee and does not protect the people from being injured by dishonest activity on the part of the state employee, which makes it unconstitutional.

A Notaries bond specifically states it is there to protect the people from any bad actions on their part, that is a true constitutional bond.

You might ask why wouldn't they just do the correct oath?

Because they are not the government and have usurped and overthrown unlawfully the true Republic.

Remember the United States Constitution states in Article 1, Section 8: Congress shall: "coin Money regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures" and in Article 1, Section 10: "No State Shall...emit bills of credit; make anything but gold and silver Coin a Tender in Payment of Debts..." So does the State of California pay any of its debts with gold or silver Coin? No, then it is acting unlawfully under the requirements of the United States Constitution. These parts of the U.S. Constitution have never been repealed.

In 1933 this Country went bankrupt to the Federal Reserve a private, foreign corporation who has never listed it's true owners or filed a financial statement, or been audited by Congress and continues to print money from thin air and 'loan' it at interest. Would that be treason? You bet. So all agents of the Government would be committing perjury to swear they would not engage in any activity that constituted overthrow of the dejure Republic of California. This topic could stretch out to a book the size of a bible.

Next let's see if the Courts are truly members of the judiciary of the State or just private companies running for profit. See the attached pdf files

showing the Superior Court of Sonoma listed as a 'Business' by Manta, the available Roster of Public Agencies listed the Superior Court of Sonoma as a Public Agency in 2002 and a Public Agency is NOT the State or County.

GOV §53050. "The term "public agency," as used in this article, means a district, public authority, public agency, and any other political subdivision or public corporation in the state, but does not include the state or a county, city and county, or city." [verified]

So if the Court is a "public Agency" it is not the State, what is it then? Do you think the legislature is a public agency?, The Executive Branch's governor is a public agency?

GOV §53051. "(a) Within seventy (70) days after the date of commencement of its legal existence, the governing body of each public agency shall file with the Secretary of State on a form prescribed by the Secretary of State and also with the county clerk of each county in which the public agency maintains an office, a statement of the following facts:...

(c) It shall be the duty of the Secretary of State and of the county clerk of each county to establish and maintain an indexed "Roster of Public Agencies," to be so designated, which shall contain all information filed as required in subdivisions (a) and (b), which roster is hereby declared to be a public record." verified

The clerk of the court gave a signed letter stating the federal Employer Identification Number (FEIN) number for the Sonoma County Court. They all have them and what does that prove? The State does not have any Constitutionally requirement to pay taxes to the Federal Government. They are independent Sovereign authorities aren't they? The IRS states that only business' need to have a FEIN number so why would the judiciary office of the State of California be considered a 'business'?

So, there are 3 types of evidence the courts are not the de jure Republic courts; 1) they are not the constitutionally required, common-law 'court of record' and 2) they are public agency/private business and not the judiciary of the State and their employees, i.e. judges and chief clerks are not lawfully in their offices, 3) the codes they are using were not lawfully enacted and only apply if we consent to them.

Everything that goes on in court is 'let's make a deal' contract law. "Do you understand the charges", you say "yes" now you agreed to contract or 'stand under' the authority of the court and judge. Every time you sign anything without qualifying your signature to retain your rights you contracted. How often does the DA, Bailiff or Judge give you his name? Never, but they refuse to allow you to not name yourself. Giving the judge your name engages in contract with the court so don't do it.

"I go by the name John, you may address me as John" or "I am the authorized representative of the all capital lettered defendant JOHN DOE, and you may address me as "friend" "When they call you "Mr. Doe" respond "By what authority are you addressing me by that name?"

The Judge/Court will always be a struggle for power and the judges are masters at word art and deception, master salesmen getting you to give up your position because of fear, and they will finally resort to threats of "contempt of court" and jail time for being disruptive when in fact they are trespassing on your rights and demeaning you with their actions without any authority to do so- the very definition of criminal behavior.

Look at the file "Initial arrest confrontation" in "case law" on the Court CD to see a lot of penal code and vehicle code that they violate when they arrest you

First thing I would do is to file a conditional acceptance of the charges. Then I would go down and get a copy of the 'docket' at the clerk of the courts office (\$1.00/page) after 15 days have elapsed from the arrest to see if a complaint has been filed.

The arrest: Arraignment

PEN §988. The arraignment must be made by the court, or by the clerk or prosecuting attorney under its direction, and consists in reading the accusatory pleading to the defendant and delivering to the defendant a true copy thereof, and of the endorsements thereon, if any, including the list of witnesses, and asking the defendant whether the defendant pleads guilty or not guilty to the accusatory pleading; provided, that where the accusatory pleading is a complaint charging a misdemeanor, a copy of the same need not be delivered to any defendant unless requested by the defendant.

So, unless the complete complaint has been read into the record; they did not conform to "reading the accusatory pleading," did they? Did they give you a true copy of the complaint? The complaint is a verified sworn charging instrument. Your 4th Amendment rights<sup>8</sup> under the U.S. Constitution require an oath based upon probable cause sworn to. When you get the complaint usually it isn't signed and is blank. "Is this a true copy of the complaint?" "Yes" "O.K. I demand this matter be dismissed for lack of a valid complaint as there is no complaining party." If it is signed, it will usually be signed by the DA, was the DA<sup>9</sup> a witness to the alleged violation? If he wasn't there then his sworn complaint is perjury because the complainant swears a "warrant shall issue" and his testimony is 'hearsay' evidence and perjury because he knows he did not witness the violation. "and the endorsements thereon" this part is noted in penal code 872<sup>10</sup>. Always request the verified sworn complaint be given to you at arraignment. Always challenge it as defective. If it is signed by the Sheriff ...or Police note that the ALL CAPITAL NAME 'SHERIFFS OFFICE' and then the signature above by a living soul is fraud as the living soul is signing as the authorized representative for the real signing party the legal fiction SHERIFFS OFFICE, it would be like the words BANK OF AMERICA are below the signature and By: Bob Henry is signed above it. Bob is signing as agent for BANK OF AMERICA the named party.

So did a fiction make a complaint that you violated a code?

Can they?

The Sheriff would have to sign in his own capacity not as agent for the fiction to be legitimate. Next the Complaint has to be file stamped within 15 days of the arrest.<sup>11</sup>

Once you note the misnomer of the wrong name being JOHN DOE instead of john-henry: doe they have to correct it<sup>12</sup> although I bet they refuse.

If they did not file the complaint within 15 days demand they dismiss it and don't let them talk you out of it, because they will attempt to contract with you to come back for any reason so they can get it together to file a complaint and they WILL BACK DATE IT to be within the 15 days (guess how I know that). Remember it's all contract, there is no law being applied in their administrative courts, just your agreement to perform.

Always say "I am here under threat and duress only, and I do not consent to contract with this court"

You give the court most of the evidence that ends up convicting you, so don't give them any. Quit trying to defend yourself, "I am a good person, I never break the law, I have a clean record", they don't care they are trying to milk you for money and that is all, it's a business and they want you to be a good customer and pay.

They do not want you to show the others in court your lack of cowering before the judge, your defiance of their authority, your challenges to their jurisdiction, etc. They will put you over till last, when everyone is gone. Jurisdiction in my opinion is best defined as there is none until you trespass on someone and then it springs into existence. If you were under the jurisdiction all the time because for instance you "live in the City of Pleasantville" then you are a slave because jurisdiction is control and if you are constantly under control then you are a slave. Slavery is prohibited so you cannot be under the jurisdiction of the State just because you live somewhere. Jurisdiction is acquired when you trespass. Since a code violation is usually a victimless crime there is no jurisdiction as there is no 'real party of interest'<sup>13</sup> as the alleged Plaintiff. You must complain that the Plaintiff is "not the real party of interest" (the injured party). There rarely is a "corpus delicti"<sup>14</sup>. There is rarely any "standing"<sup>15</sup> to sue in the first place by the alleged Plaintiff [People of California]. So how full of holes is the average case against one of the people? It is all about common law<sup>16</sup> and whether an injury is claimed or not. Of course if you challenge the authority of the judge he may order a Psych evaluation for you so know this usually it is a referral so unless he states I am ordering to see the shrink, you haven't been ordered. Second demand he put it in writing, he will be wary not to sign his name to that as he has no medical degree and unless you really are mentally disordered, he can get in trouble. If he does issue a written order, I send him a conditional acceptance that I will abide by his order upon proof of claim that he has jurisdiction, a lawful oath of office, and can make a medical determination by providing his M.D. license.

MENTAL EVALUATION ORDERED only go if the judge writes a wet-ink order otherwise it's non mandatory referral PEN §1367.1. (a) During the pendency of an action and prior to judgment in a case when the defendant has been charged with a misdemeanor or misdemeanors only, if the defendant's behavior or other evidence leads the judge to conclude that



there is reason to believe that the defendant is mentally disordered and as a result may be incompetent to stand trial, the judge shall state this conclusion and his or her reasons in the record. [You can sue as he has no authority to make a medical determination]

<sup>1</sup> UCC § 3-402. SIGNATURE BY REPRESENTATIVE.: (a) If a person acting, or purporting to act, as a representative signs an instrument by signing either the name of the represented person or the name of the signer, the represented person is bound by the signature to the same extent the represented person would be bound if the signature were on a simple contract. If the represented person is bound, the signature of the representative is the "authorized signature of the represented person" and the represented person is liable on the instrument, whether or not identified in the instrument. (b) If a representative signs the name of the representative to an instrument and the signature is an authorized signature of the represented person, the following rules apply: (1) If the form of the signature shows unambiguously that the signature is made on behalf of the represented person who is identified in the instrument, the representative is not liable on the instrument. [verified]

<sup>2</sup> Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 21 wall. 175, 22 L. Ed. 627" Black's Law Dictionary, Fourth Ed., p.824.

<sup>3</sup> see 16 Am Jur 2nd (pg 449,1998ed.) §74 Construction with reference to Common Law "An important canon of construction is that constitutions must, or at least may, be construed with reference to the common law, although the reverse is not necessarily true, since in most respects, the federal and state constitutions did not repudiate, but cherished, the established common law." [verified]

<sup>4</sup> JURISDICTION: It is the power conferred by the Constitution or by law, Corby v. Dooley, 313 Ill. App. 509, 40 N.E.2nd 581, 584 [BlksLaw4th,'68, pg.991]

<sup>5</sup> AMENDMENT XIV Passed by Congress June 13, 1866. Ratified July 9, 1868 [no proof here]. Section 1. "*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.*"

<sup>6</sup> CONTRACT: An agreement between two or more parties, preliminary step in making of which is offer by one and acceptance by other, in which minds of parties meet and concur in understanding of terms. Lee v. Travelers' Ins. Co. of Hartford, Conn., 173 S.C. 185, 175 S.E. 429 It is an agreement creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are not ascertainable. H. Liebes & Co. V. Klengenber, C. C.A. Cal., 23 F.2nd 611, 612 [BlksLaw4th-1968,pg394]

<sup>7</sup> PERSON: Term may include artificial beings, as corporations, 1. Bla.Com. 123; 4 Bingh. 669; People v. Com'rs of Taxes, 23 N.Y. 242,+ more [Black's Law 4th Edition, pg.1299]

<sup>8</sup> "The issue before us today is of precisely that sort. As we have recently had occasion to explain, the Fourth Amendment's prohibition of "unreasonable seizures," insofar as it appl i.e.s to seizure of the person, preserves for our citizens the traditional protections against unlawful arrest afforded by the common law. See California v. Hodari D., 499 U.S. [500 U.S. 61] 621 (1991). One of those -- one of the most important of those -- was that a person arresting a suspect without a warrant must deliver the arrestee to a magistrate "as soon as he reasonably can." 2 M. Hale, Pleas of the Crown 95, n. 13 (1st Am. ed. 1847). See also 4 W. Blackstone, Commentaries \*289, \*293; Wright v. Court, 107 Eng.Rep. 1182 (K.B. 1825) ("[I]t is the duty of a person arresting any one on suspicion of felony to take him before a justice as soon as he reasonably can"); 1 R. Burn, Justice of the Peace 276-277 (1837) ("When a constable arrests a party for treason or felony, he must take him before a magistrate to be examined as soon as he reasonably can") (emphasis omitted). The practice in the United States was the same. See e.g., 5 Am.Jur.2d §§ 76, 77 (1962); Venable v. Huddy, 77 N.J.L. 351, 72 A. 10, 11 (1909); Atchison, T. & S.F.R. Co. v. Hinsdell, 76 Kan. 74, 76, 90 P. 800, 801

(1907); *Ocean S.S. Co. v. Williams*, 69 Ga. 251, 262 (1883); *Johnson v. Mayor and City Council of Americus*, 46 Ga. 80, 86-87 (1872); *Low v. Evans*, 16 Ind. 486, 489 (1861); *Tubbs v. Tukey*, 57 Mass. 438, 440 (1849) (warrant); *Perkins*, *The Law of Arrest*, 25 Iowa L.Rev. 201, 254 (1940). Cf. *Pepper v. Mayes*, 81 Ky. 673 (1884). It was clear, moreover, that the only element bearing upon the reasonableness of delay was not such circumstances as the pressing need to conduct further investigation, but the arresting officer's ability, once the prisoner had been secured, to reach a magistrate who could issue the needed warrant for further detention. 5 Am.Jur.2d §§ 76, 77 (1962); 1 Restatement of Torts § 134 (Comment b) (1934); *Keefe v. Hart*, 213 Mass. 476, 482, 100 N.E. 558, 559 (1913); *Leger v. Warren*, 62 Ohio St. 500, 57 N.E. 506, 508 (1900); *Burk v. Howley*, 179 Pa. 539, 551, 36 A. 327, 329 (1897); *Kirk & Son v. Garrett*, 84 Md. 383, 405, 35 A. 1089, 1091 (1896); *Simmons v. Vandyke*, 138 Ind. 380, 384, 37 N.E. 973, 974 (1894) (dictum); *Ocean S.S. Co. v. Williams*, supra, at 263; *Hayes v. Mitchell*, 69 Ala. 452, 455 (1881); *Kenerson v. Bacon*, 41 Vt. 573, 577 (1869); *Green v. Kennedy*, 48 N.Y. [500 U.S. 62] 653, 654 (1871); *Schneider v. McLane*, 3 Keyes 568 (NYApp. 1867); Annot., 51 L.R.A. 216 (1901). Cf. *Wheeler v. Nesbitt*, 24 How. 544, 552 (1860). Any detention beyond the period within which a warrant could have been obtained rendered the officer liable for false imprisonment. See, e.g., *Twilley v. Perkins*, 77 Md. 252, 265, 26 A. 286, 289 (1893); *Wiggins v. Norton*, 83 Ga. 148, 152, 9 S.E. 607, 608-609 (1889); *Brock v. Stimson*, 108 Mass. 520 (1871); Annot., 98 A.L.R.2d 966 (1964).{1}" *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991) [Scalia dissenting]

<sup>9</sup> CA. PEN §740. "Except as otherwise provided by law, all misdemeanors and infractions must be prosecuted by written complaint under oath subscribed by the complainant. Such complaint may be verified on information and belief."

OATH: statement under penalty of perjury [Black's Law Dictionary 4th, Edition page 1220] U.S. v. Klink D.C. Wyo, 3 F Supp. [verified]

FRCrimP Rule 10. Arraignment (a) In General. An arraignment must be conducted in open court and must consist of: (1) ensuring that the defendant has a copy of the indictment or information; [verified]

"Even when the person who makes the constitutionally required "Oath or affirmation" is a lawyer, the only function that she performs in giving sworn testimony is that of a witness.", " The Fourth Amendment requires that arrest warrants be based "upon probable cause, supported by Oath or affirmation" -- a requirement that may be satisfied by an indictment returned by a grand jury, but not by the mere filing of criminal charges in an unsworn information signed by the prosecutor. *Gerstein v. Pugh*, 420 U.S. 103, 117 (1975); see also *Coolidge v. New Hampshire*, 403 U.S. 443 (1971)." *Kalina v. Fletcher*, 522 U.S. 118 (1997) [verified]

"It is plain from this fundamental enunciation, as wells from the books of authority on criminal matters in the common law, that the probable cause referred to, and which must be supported by oath or affirmation, must be submitted to the committing magistrate himself, and not merely to an official accuser, so that he, the magistrate, may exercise his own judgment on the sufficiency of the ground for believing the accused person guilty: and this ground must amount to a probable cause of belief or suspicion of the party's guilt. In other words, the magistrate ought to have before him the oath of the real accuser, presented either in the form of an affidavit or taken down by himself on a personal examination, exhibiting the facts on which the charge is based, and on which the belief or suspicion of guilt is founded." "The rule which was established was that the warrant should issue "only upon probable cause, supported by oath or affirmation of the person making the charge, in which should be stated the facts within his own knowledge constitution the grounds of such belief or suspicion." *United States v. Tureaud*, 20 Fed Rptr 623 (1884) [ verified]

<sup>10</sup> PEN §872. (a) If, however, it appears from the examination that a public offense has been committed, and there is sufficient cause to believe that the defendant is guilty, the magistrate shall make or indorse on the complaint an order, signed by him or her, to the following effect: "It appearing to me that the offense in the within complaint mentioned (or any offense, according to the fact, stating generally the nature thereof), has been committed, and that there is sufficient cause to believe that the within named JOHN DOE is guilty, I order that he or she be held to answer to the same." b) Notwithstanding Section 1200 of the Evidence Code, the finding of probable cause may be

based in whole or in part upon the sworn testimony of a law enforcement officer or honorably retired law enforcement officer relating the statements of declarants made out of court offered for the truth of the matter asserted.

<sup>11</sup> PEN §1382. (a) The court, unless good cause to the contrary is shown, shall order the action to be dismissed in the following cases:(1) When a person has been held to answer for a public offense and an information is not filed against that person within 15 days.

<sup>12</sup> PEN §953. When a defendant is charged by a fictitious or erroneous name, and in any stage of the proceedings his true name is discovered, it must be inserted in the subsequent proceedings, referring to the fact of his being charged by the name mentioned in the accusatory pleading.

<sup>13</sup> FRCP - Rule 2. One Form of Action There is one form of action — the civil action. Rule 17(a) Real Part i.e.s in Interest:

"Every action shall be prosecuted in the name of the real party in interest No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest

<sup>14</sup> "In every prosecution for crime it is necessary to establish the "corpus delicti", i.e., the body or elements of the crime." People v. Lopez, 62 Ca.Rptr. 47, 254 C.A.2d 185.

"In every criminal trial, the prosecution must prove the corpus delicti, or the body of the crime itself-i.e., the fact of injury, loss or harm, and the existence of a criminal agency as its cause." People v. Sapp, 73 P.3d 433, 467 (Cal. 2003) [quoting People v. Alvarez, (2002) 27 Cal.4th 1161, 1168-1169, 119 Cal.Rptr.2d 903, 46 P.3d 372.].

"Elements of "corpus delicti," injury or loss or harm and a criminal agency which causes such injury, loss or harm, need only be proven by a "reasonable probability," i.e., by slight or prima facie. proof..." People v. Ramirez, 153 Cal.Rptr. 789, 791, 91 C.A. 132.

"Corpus delicti" of crime consists of fact of injury, loss, or harm, and existence of criminal agency as cause." People v. Daly, 10 Cal.Rptr.2d 21, 28, 8 CA4th 47.

"Generally, "corpus delicti" of crime is (1) the fact of the loss or harm, and (2) the existence of a criminal agency as its cause." People v. Dorsey, 118 Cal.Rptr. 362, 43 CA3d 953.

"There is no requirement of independent evidence 'of every physical act constituting an element of an offense,' so long as there is some slight or prima facie. showing of injury, loss, or harm by a criminal agency." In re I.M., 23 Cal.Rptr.3d 375, 381 (2005).

<sup>15</sup> "Over the years, our cases have established that the irreducible constitutional minimum of standing contains three elements: first, the plaintiff must have suffered an "injury in fact" -- an invasion of a legally-protected interest which is (a) concrete and particularized, see *id.* at 756; *Warth v. Seldin*, 422 U.S. 490, 508 (1975); *Sierra Club v. Morton*, 405 U.S. 727, 740-741, n. 16 (1972);{ 1} and (b) "actual or imminent, not `conjectural' or `hypothetical,'" *Whitmore*, *supra*, 495 U.S. at 155 (quoting *Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983)). Second, there must be a causal connection between the injury and the conduct complained of -- the injury has to be fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court. *Simon v. Eastern Kentucky Welfare [504 U.S. 561] Rights Org.*, 426 U.S. 26, 41-42 (1976). Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision." *Id.* at 38, 43. *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992) [verified]

"Art. III, § 2. In order to meet the standing element of the case or controversy requirement, appellees must allege a personal injury that is particularized, concrete, and otherwise judicially cognizable. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561; *Allen v. Wright*, 468 U.S. 737, 751." *Raines v. Byrd*, 521 U.S. 811 (1997) [verified]

<sup>16</sup> "for a man shall not prescribe in that which the law of common right gives," *Noy*. 20; "for the common law is the best and most common birthright that the subject hath, for the safeguard and defense of his rights of person and property," *Co.Litt.* 142, a. *Strother v. Lucas*, 37 U.S. (12 Pet.) 410 (1838) [verified]

The Honorable Joseph Neilson, Chief Justice of the City Court of Brooklyn 1875 "The fact of the matter is that there exists all around us a great body of law which has not ever been (nor could it

be) written down in one spot. In a way, it's, it's more of a process which has a single guiding rule, the "golden rule," a negative rule: "Don't do something to someone that you don't want to have visited on yourself, either directly or through the agency of a government." Though it has suffered much at the hands of legislators, common law is yet followed in all major English speaking nations around the world. Common law to England was and is its very force. The greatness of England, certainly in the past, is attributable, I would say fully attributable, to the stabilizing and enriching institution that we have come to know as common law. This subject of the common law is a great and wonderful subject: its evolutionary development and its great benefits make it the most superior law system known in the world, as history will readily tell."

Attachment(s)

subpoena-duces-tecum **EXHIBIT-A**