Janice Sue Taylor
Appearing Specially and Not Generally,
Legal Address. Commencing, in suf. det., at w 1/4 corner of section 26, T.2S.-R.6E., G & SRB & M, thence S. 0° 07' 22" W. to 332.12 ft. to SW corner of section 26, thence bearing 0° S. 7' 22" W. from SW. corner of section 26, 332.12 ft. distant therefrom, thence southerly of N. Section 26 – 858.78 ft to the True Point of the Beginning, continuing thence 164.91 ft. to SE corner, thence 164.91 ft. to SW corner, to True Point of the Beginning; organic city of Gilbert, organic county of Maricopa, organic State of Arizona; —not owned or possessed by the United States of America; —not a post Road; —not on a post Road; —not in a U.S. district.

(response information at certificate of service page)

IN THE [ALLEGED] UNITED STATES DISTRICT COURT FOR THE [ALLEGED] DISTRICT OF ARIZONA

[The United States central government] /
The Internal Revenue Service
federal agency

ALLEGED AS PLAINTIFF,

v.

Janice Sue Taylor,

ALLEGED AS DEFENDANT
OR
THE ACCUSED

APPEARANCE
DE BENE ESSE

cc: National Ninth Tribunal Court

DEMAND TO TAKE JUDICIAL NOTICE / NOTICE OF RIGHT FOR SEPARATE PURSUIT OF ACTION FOR CIVIL VIOLATION UNDER COLOR OF LAW /

WARRANTED: DEMAND FOR TRIAL BY IMPARTIAL JURY

& STAY OF PROCEEDINGS PENDING CHALLENGE FOR LACK OF STANDING IN CONJUNCTION WITH LACK OF CONSTRUCTIVE SUBJECT MATTER JURISDICTION ARISING FROM UNLAWFUL STRUCTURE OF [ALLEGED] DISTRICT COURT

Case # CR 10-400-PHX-MHM (ECV)

LIABLE NOTICE: Clerk Of Court

NOTICE: Mary H. Murguia

A PLEADING AT THE COMMON LAW

QUI TACET, CONSENTIRE VIDETUR, UBI TRACTATUR DE EJUS COMMODO

APPLYING ALL PROCEEDINGS HEREAFTER AS THE SUPERSEDING RULE OF RULES *UNDER* RULE NISI
("Becomes The Imperative and Final Rule *Unless* Cause Can Be Shown Against It")

THIS ARISING CASE WARRANT COMES FORWARD FOR TRIAL PURSUANT TO THE SUBMITTED NOTIFICATION FOR MISTRIAL, WHERE THE PREVIOUS ALLEGED TRIAL WAS COMMENCED AND CARRIED OUT AS A MATTER OF **TRIAL BY TREASON**, AS EVIDENCED BY THE PROVIDED EXHIBITED TESTS THEREWITH. ON THIS MATTER, THERE CAN BE NO QUESTION AS TO THE FACT THAT **SEEDED TREASON**, COMMENCED JANUARY 1, 1945 AND THEREAFTER, WAS A PART OF THE CORE PROCEEDING BY WHICH SUCH SAID **TRIAL BY TREASON** WAS CARRIED OUT.

TREASON, IN ANY FORM, IS A MATTER OF PUBLIC FRAUD, ***WITH*** LIFE AND PROPERTY THREATENING DANGERS IN ACCOMPANIMENT THEREWITH, HOWEVER, UNLIKE ORDINARY FRAUD, WHICH MAY IN PART BE "VOIDABLE," OR ELECTIVE IN ITS BEING SET ASIDE, **TREASON** AS PUBLIC FRAUD IS PURELY "**VOID**," NOT "VOIDABLE."

CONSEQUENTIAL TO THIS DULY NOTICED NOTIFICATION, THEREFORE:

COMES NOW Janice Sue Taylor, appearing as a citizen of and residing and having domicile in the State of Arizona, and not elsewhere, As Petitioner/Demandant And Alleged As Defendant In The Above Numbered Case, First Unto The Clerk of the Court - BY DUTY BOUND - To So Correctly Administer And Properly Calendar This Case, And Thereafter Unto the Court Public, And HEREBY SUBMITS This **DEMAND TO TAKE JUDICIAL NOTICE / Notice Of Right For Separate Pursuit Of Action For Civil Violation Under Color Of Law / Notice Of Demand For Trial By Impartial Jury & Stay of Proceedings Pending Challenge For Lack Of Constructive Subject Matter**

Jurisdiction Arising From Unlawful Structure Of Court SETTING FORTH AS A MATTER OF **Findings of Fact and Conclusions of Law** In Support Thereof, Whereby the Same Shows the Court To Wit As Follows:

I. THE OFFENSE(S) FOR WHICH JANICE SUE TAYLOR HAS BEEN CHARGED, TO BE BROUGHT FORTH FOR TRIAL HEREAFTER, IS CONSIDERED OR ALLEGED BY THE UNITED STATES CENTRAL GOVERNMENT TO BE A CRIMINAL OFFENSE. IN CONSEQUENCE OF THESE MATTERS AND IN FURTHER PURSUANCE TO THIS LITIGATION PROCESS NOW HEREBY NOTICED, JANICE SUE TAYLOR ALLEGED AS DEFENDANT IN THIS CASE, NOW SETS FORTH OFFICIAL AND FORMAL DEMAND AS FOLLOWS:

II. JANICE SUE TAYLOR UNASSISTED, UNAIDED AND UNREPRESENTED BY THE ASSISTANCE OF AN ATTORNEY AT BAR, INASMUCH AS THE CHARGE AGAINST THE AFORESAID JANICE SUE TAYLOR IS, AS PROPOSED BY THE UNITED STATES CENTRAL GOVERNMENT'S PROPOSED LAW, ALLEGED AS A CRIMINAL OFFENSE, SUCH SAID JANICE SUE TAYLOR HEREBY DEMANDS A TRIAL BY IMPARTIAL JURY AS SET FORTH BY REQUIREMENT IN THE UNITED STATES CONSTITUTION, PERTAINING TO THE ABOVE REFERRED TO NUMBERED CASE, SHOWING FURTHER, FINDINGS OF FACT AND CONCLUSIONS OF LAW, AS FOLLOWS, TO WIT:

III. UPON THE RATIFICATION OF THE CONSTITUTION OF THE UNITED STATES ON SEPTEMBER 17, 1787, THE AFORESAID CONSTITUTION BEGAN TO BECOME THE SUPREME LAW OF THE LAND TO WHICH *BOTH* THE UNITED STATES GOVERNMENT AND THE RESPECTIVE GOVERNMENTS OF THE

SEVERAL STATES LOOKED TO FOR THEIR *AUTHORITATIVE GUIDANCE*. NO OTHER LAW PRECEDED OR DOMINATED OR PREDOMINATED IT AS A MATTER OF LEGAL RIGHT. THE CONSTITUTION ITSELF WAS ALONE AS THE SUPREME LAW OF THE LAND; NO BILL OF RIGHTS EXISTED AT THIS TIME TO BE CALLED INTO QUESTION.

IV. THE CONSTITUTION OF THE UNITED STATES, BEING A MATTER OF SOVEREIGN CONTRACT LAW, THE SAME HAVING HAD SIGNERS OR DELEGATES OR AGENTS ACCORDINGLY, REPRESENTING THE SEVERAL STATES' THEREIN, STATUTORY LAW OR GENERALLY PASSED LAW NOT REQUIRING THE ACTUAL SIGNATURES OF ALL OF THE PARTICIPANTS THERETO, THE CONSTRUCTIVE RULES OF CONTRACT LAW BEING THEREFORE APPLICABLE THERETO ACCORDINGLY, THE OPERATIONS OR RULES OF AGREEMENT OR CONTRACT IS ESTABLISHED AS BEING FUNDAMENTAL TO THE TRUE AND CORRECT CONSTITUTIONAL INTERPRETATIONS OF WORDS AND PHRASES AND ALL IMPLICATIONS AND INFERENCES AND OTHER SUCH INSTRUMENTS OF CONTRACT LAW, CONTAINED THEREIN.

V. ARTICLE III OF THE UNITED STATES CONSTITUTION SET UP THE INITIAL, FUNDAMENTAL JUSTICE SYSTEM FOR BOTH THE UNITED STATES AND THE SEVERAL STATES THEREOF, SHOWING THEREIN THE CHARACTER OF THE POWER OF THE SUPREME COURT OF THE UNITED STATES ITSELF, AND ALL LOWER COURTS THEREUNDER, MINIMALLY ALSO THE ESTABLISHING THE TRIAL BY, AND NOT WITH, JURY SYSTEM WITHIN THE

UNITED STATES, AND THE RIGHTS OF PROSECUTION UNDER THE CONSTITUTIONAL LAWS PASSED BY THE CONGRESS OF THE UNITED STATES AS A MATTER OF *FURTHER* JUSTICE TO BE PROVIDED *UNDER* ARTICLE III, CONSEQUENTLY, ARTICLE III IS *PROPERLY* DESCRIBED AND ESTABLISHED AS GENERALLY AND SPECIFICALLY PROVIDING FOR THE ESTABLISHMENT OF THE JUSTICE SYSTEM OF THE UNITED STATES - OR EITHER OF THEM.

VI. IN ACCORDANCE TO THE PROVISIONS AND REQUIREMENTS OF THE UNITED STATES CONSTITUTION AT ARTICLE VI, CLAUSE 2, THEREOF:

(1) THE CONSTITUTIONS OF THE SEVERAL STATES ARE AND WERE TO LOOK TOWARD THE UNITED STATES CONSTITUTION FOR THEIR GUIDANCE AND ULTIMATE DETERMINATION. NO BILL OF RIGHTS EXISTED AS A PART OF THE UNITED STATES CONSTITUTION ON SEPTEMBER 17,1787. CONSEQUENTLY, THE SEVERAL STATES, BEING THIRTEEN IN NUMBER, WERE REQUIRED BY THE AFORESAID UNITED STATES CONSTITUTION TO COMPLY WITH SUCH PART OF THE JUSTICE SYSTEM CONTAINED IN ARTICLE III AS PERTAINED TO THEM AS A MATTER OF CONCURRENT APPLICATION, SUCH PART BEING CONTAINED IN SECTION 2, CLAUSE 3, OF THE AFORESAID ARTICLE III THEREOF.

(2) THE UNITED STATES CENTRAL GOVERNMENT, AS A MATTER OF ITS OWN CONSTRAINTS TO BE SO, WAS ALSO CONSTRAINED BY PARTICULAR PROVISIONS CONTAINED WITHIN SAID ARTICLE III AT THAT SAME ONGOING TIME.

VII. IMPEACHMENT BEING A PRINCIPLE OF AUTHORITY AND POWER THAT CAN BE, AND COULD BE, APPLIED CONCURRENTLY ("CONCURRENT APPLICATION") TO BOTH STATE AND UNITED STATES GOVERNMENTS' IMPEACHMENT PROCEEDINGS NOT BEING A MATTER TO BE INVOLVED IN STANDARD COURTS OF LAW, THEREFORE EXCLUDING THE IMPEACHMENT CLAUSE THEREIN ACCORDINGLY, BEING ALSO A PARENTHETICAL PHRASE, THE TRUTH AS PERTAINS TO THE DIRECTIVE-GUIDANCE FOUND THEREIN, APPLICABLE TO THE STATES AND THE UNITED STATES, BECOMES CLEARLY - AND THEREFORE IS - ESTABLISHED. BOTH THE STATES AND THE UNITED STATES WERE MENTIONED AND INVOLVED IN ARTICLE III, SECTION 2, CLAUSE 3. WHILE **SEPARATE** PROSECUTORIAL JURISDICTIONS WERE ESTABLISHED, NEITHER PARTY THERETO (CONCURRENT APPLICATION) WAS EXCLUDED FROM THIS CONDITION OF CONSTITUTIONALLY REQUIRED AND SUBSEQUENT COURT REQUIRED TRIAL - EXCLUSIVELY - BY JURY PROCEEDING. FURTHER NOTING THAT THE FOREGOING DOES NOT, TO ANY EXTENT, PREVAIL OVER THE ARTICLE III, SECTION 2, CLAUSE 3 TEST ITSELF.

VIII. FOR THE BALANCE OF THE YEAR OF 1787, THE ORIGINAL PORTION OF THE UNITED STATES CONSTITUTION WAS THE SUPREME LAW OF THE LAND TO WHICH THE STATES AND THE UNITED STATES LOOKED TO FOR THEIR GUIDANCE AS TO THEIR OWN JUSTICE SYSTEMS. NO BILL OF RIGHTS HAD YET BEEN ESTABLISHED. ARTICLE III, SECTION 2, CLAUSE 3, IS THE ONLY SUPREME DIRECTIVE THAT THE STATES AND THE UNITED STATES HAVE WITH REGARDS TO MATTERS INVOLVING THE TRIAL OF **ALL** CRIMES.

IX. DURING THE YEAR OF 1788 THE PROPOSED UNITED STATES CONSTITUTION WAS THE SUPREME LAW TO WHICH THE STATES AND THE UNITED STATES LOOKED TO FOR THEIR GUIDANCE AS TO THEIR OWN JUSTICE SYSTEMS. NO BILL OF RIGHTS HAD YET BEEN ESTABLISHED. ARTICLE III, SECTION 2, CLAUSE 3, IS THE ONLY SUPREME DIRECTIVE THAT THE STATES AND THE UNITED STATES HAVE WITH REGARDS TO MATTERS INVOLVING THE TRIAL OF **ALL** CRIMES.

X. DURING THE YEAR OF 1789, THE PROPOSED UNITED STATES CONSTITUTION WAS THE SUPREME LAW TO WHICH THE STATES AND THE UNITED STATES LOOKED TO FOR THEIR GUIDANCE AS TO THEIR OWN JUSTICE SYSTEMS. NO BILL OF RIGHTS HAD YET BEEN ESTABLISHED. ARTICLE III, SECTION 2, CLAUSE 3, IS THE ONLY SUPREME DIRECTIVE THAT THE STATES AND THE UNITED STATES HAVE WITH REGARDS TO MATTERS INVOLVING THE TRIAL OF **ALL** CRIMES.

XI. DURING THE YEAR OF 1790, THE PROPOSED UNITED STATES CONSTITUTION WAS THE SUPREME LAW TO WHICH THE STATES AND THE UNITED STATES LOOKED TO FOR THEIR GUIDANCE AS TO THEIR OWN JUSTICE SYSTEMS. NO BILL OF RIGHTS HAD YET BEEN ESTABLISHED. ARTICLE III, SECTION 2, CLAUSE 3, IS THE ONLY SUPREME DIRECTIVE THAT THE STATES AND THE UNITED STATES HAVE WITH REGARDS TO MATTERS INVOLVING THE TRIAL OF **ALL** CRIMES.

XII. DURING THE GREATER PART OF THE YEAR OF 1791, THE PROPOSED UNITED STATES CONSTITUTION WAS STILL THE SUPREME LAW TO WHICH THE STATES AND THE UNITED STATES LOOKED TO FOR THEIR GUIDANCE AS TO THEIR OWN JUSTICE SYSTEMS. THE "BILL OF RIGHTS" HAD JUST BEEN ESTABLISHED. BUT ARTICLE III, SECTION 2, CLAUSE 3 IS STILL THE ONLY SUPREME DIRECTIVE THAT THE STATES AND THE UNITED STATES HAVE WITH REGARDS TO MATTERS INVOLVING THE TRIAL OF ***ALL*** CRIMES.

XIII. FOR THE FIRST FOUR (4) YEARS OF THE OPERATION OF THE UNITED STATES AND ITS SEVERAL STATES, ARTICLE III, SECTION 2, CLAUSE 3 WAS THE ONLY PART OF THE PROPOSED UNITED STATES CONSTITUTION TO WHICH THE SEVERAL STATES AND THE UNITED STATES ITSELF COULD LOOK TO, AND LOOKED TO, FOR THEIR GUIDANCE AND DIRECTION AS TO THEIR OWN JUSTICE SYSTEM OPERATIONS, EXCEPT THAT THEY WOULD HAVE OTHERWISE BEEN *ACTING UNLAWFULLY AGAINST* THE PARTICULAR CONSTRAINTS ESTABLISHED FOR THE CONCURRENT APPLICATION PRINCIPLE ESTABLISHED IN ARTICLE III, SECTION 2, CLAUSE 3, IN FURTHER VIOLATION OF ARTICLE VI, CLAUSE 2. THE PARTICULAR INTENDED APPLICATION AND MEANING OF THIS ARTICLE III, SECTION 2, CLAUSE 3 WOULD LATER BE MORE EXPLICITLY DETERMINED BY **MR. FOUNDER JAMES MADISON** HIMSELF, AS *HE* PRESENTED "THE BILL OF RIGHTS" BEFORE THE HOUSE OF REPRESENTATIVES, JUNE 8, 1789.

XIV. TO DULY ESTABLISH A NECESSARY POINT OF LAW, THE COURT IS HEREBY DEMANDED TO NOW TAKE JUDICIAL NOTICE THAT THE WORD

"**ALL**" IS NOT DEFINED IN BLACKS LAW DICTIONARY WHATSOEVER, AND DEFINITIONS FROM THAT PERSPECTIVE OR STANDPOINT ARE NOW BARRED FROM BEING ADMITTED IN THIS CASE. *THEREFORE*. IT IS UNDENIABLY REQUISITE THAT THE DEFINITION OF "**ALL**" MUST BE DEFINED BY OTHER COMMON DICTIONARIES OF THE COMMON CITIZENS OF THE UNITED STATES, SUCH AS, BUT NOT EXCLUSIVE TO, WEBSTER'S DICTIONARIES. THUS, THE WORD "**ALL**" IS DEFINED TO MEAN 'EVERYTHING PERTAINING TO;" "LEAVING NO PART OUT OF", "EVERYTHING INCLUDED, *WITHOUT EXCEPTIONS* (italics added);" "INCLUSIVE OF EACH AND EVERY PART OF," AND "THE WHOLE OF EVERYTHING PERTAINING TO A THING, DIRECTLY OR INDIRECTLY." THE WORD "**ALL**" THEREFORE PROVIDES NO EXCEPTIONS FOR ANYTHING WHICH DOES PERTAIN TO A PARTICULAR MATTER. NO PROVISION IN THE DEFINITION ESTABLISHES ANY GROUNDS FOR AN "ALMOST ALL" CONDITION.

XV. IN THE 1785 DICTIONARY TITLED SAMUEL JOHNSON'S DICTIONARY OF THE ENGLISH LANGUAGE, WE FIND THAT THE WORD "**SHALL**" AT THAT TIME ERA, IMMEDIATELY PRECEDING 1787, MEANT "**I OWE**" OR "**I OUGHT**," GOING TO BOTH "**OBLIGATION**" AND "**DUTY**."

XVI. EXAMINING THE MEANING-APPLICATION OF THE WORD, "**TRY**," WE FIND THE FOLLOWING TO BE TRUE AND CORRECT AS A MATTER OF FACT:

XVII. EXCLUDING A CLAIM FOR SERVANTS IN A FREE SOCIETY, WHEN A PERSON IS PROVIDED ABILITY AND EVENT OF THAT PERSON'S OWN SELF TO

"**TRY**" OUT A NEW CAR, THE *SUCH* PERSON "**TRYING**" THE CAR CONTROLS THE CAR.

XVIII. EXCLUDING A CLAIM FOR INVOLUNTARY SERVANTS IN A FREE SOCIETY, WHEN A PERSON IS PROVIDED THE ABILITY AND EVENT OF THAT PERSON'S OWN SELF TO "**TRY**" OUT NEW CLOTHES, THE PERSON "**TRYING**" ON THE CLOTHES CONTROLS THE CLOTHES.

XIX. FROM THESE TWO EXAMPLES ALONE, WE FIND THAT THE WORD "**TRY**" GOES TO THE WORD "**CONTROL**," AND DOES SO, AS A MATTER OF PROCEDURAL FACT, FOR THE VERY FIRST TIME, AND ONLY FOR A PARTICULAR AND LIMITED TIME, AFTER WHICH THE ACT OF "**TRYING**" WOULD NO LONGER BE APPLICABLE TO THE INITIAL EVENT AT HAND ITSELF, BUT WOULD BE DIMINISHED TO THE ROUTINE ACTS OF SUBJECT MATTER INSTEAD.

XX. A TRIAL, DERIVED FROM THE PROPOSED ACT OF "TO **TRY**" OR THE FACTUAL ACT OF "**TRYING**," DENOTES OR CONSTITUTES "**CONTROL PROCESS**," TO BE EMPLOYED BY THAT PARTY OR PERSON PROVIDED THE DUE ABILITY TO SO TRY A PARTICULAR SUBJECT MATTER ON A UNIQUE BASIS.

XXI. WHILE A **TRIAL**, *OR* **CONTROL PROCESS**, MAY INCLUDE AN EVENT OF HEARING, A HEARING IS - WITHOUT POWER OF CONTROL OF ITSELF ALONE - NOT A TRIAL.

XXII. PERSONS CHARGED WITH CRIMINAL OFFENSES DO NOT, AS A PROCEDURAL MATTER, GO INTO COURTS FOR THE PURPOSE OF BEING "**IMPEACHED**" BY A COURT'S OWN PROCEEDINGS OF ITSELF.

XXIII. OMITTING THE INAPPLICABLE PARENTHETICAL PHRASE, "EXCEPT IN CASES OF IMPEACHMENT," AS CONTAINED IN ARTICLE III, SECTION 2, CLAUSE 3, WE READ THE FOLLOWING WORDS ESTABLISHED CONCLUSIVELY THERE:

> "**THE TRIAL OF ALL CRIMES SHALL BE BY JURY**."

XXIV. IN ORDER TO REVIEW AND EXAMINE THE CONSTITUTION'S OWN REQUIREMENT AT THIS JUNCTURE, WE CONSTRUCTIVELY RESTATE THE SAME ABOVE CLAUSE IN PART AS:

> "THE *HEARING* OF *SOME* CRIMES *MAY* BE ***WITH*** JURY - **UNDER THE DIRECTION AND SUPERVISION OF A JUDGE**."

XXV. NOT BEING DISPARAGING ON THIS MATTER, ONLY OBJECTIVELY INVESTIGATIONAL, WE CONCLUDE THAT NO SUCH PREMISE FOR CLAIM EXISTS AT THIS CONSTITUTIONAL JUNCTURE, AND ARE COMPELLED TO INQUIRE FOR GREATER UNDERSTANDING AS TO HOW ANY APPEARANCE IN THIS VEIN HAS COME TO OCCUR OR BE ESTABLISHED, OR IF THERE IS A DIFFERENT ANSWER TO WHAT WE NOW RECOGNIZE AS A LONG STANDING CUSTOM, USAGE, AND PRACTICE UNDER COLOR OF LAW, EVEN IF IN FAVOR OF A DIFFERENT UNDERSTANDING THAN THAT LATTER EXAMPLE ALTOGETHER.

XXVI. EXERCISING OUR ABILITY TO REASON BY WAY OF PHYSICAL EXAMPLE MADE, WE EMPLOY OUR LEFT HAND AS A LEFT FIST, AND REFER TO IT AS THOUGH BEING "A JURY." WE THEN EMPLOY OUR RIGHT HAND AS A RIGHT FIST, AND REFER TO IT AS THOUGH "A JUDGE" OR OTHER JUDICIAL OFFICER. TO ASCERTAIN THE QUESTION OF [F]ACTUAL CONTROL OF PROCESS, WE THEN PLACE THE RIGHT FIST OVER AND UPON THE LEFT FIST, POSING THE QUESTION AS TO WHICH ONE CONTROLS THE TRIAL PROCESS, THE JUDICIAL OFFICER OR THE JURY.

XXVII. RECOGNIZING THAT IT IS THE JUDICIAL OFFICER IN SUCH AN EVENT THAT CONTROLS, AND ***NOT*** THE JURY, WE FIND IT NECESSARY TO INVESTIGATE FURTHER HOW SOMETHING SO CLEAR AS "THE **TRIAL OF ALL** CRIMES *SHALL BE* **BY** JURY" HAS BEEN DIMINISHED TO A LESSER DEGREE TO MEAN OR PERTAIN TO SOME OTHER PRACTICE ALTOGETHER.

XXVIII. ON DECEMBER 15, 1791, THE TEN AMENDMENTS KNOWN AS THE BILL OF RIGHTS WERE RATIFIED BY THE SEVERAL STATES. ARTICLE OR AMENDMENT SIX THEREOF, BY ITS SPECIFIC SIMILARITY OF LANGUAGE THEREIN, OR BY ***IN PARI MATERIA***, ALONG WITH THE STATEMENT BY MR. FOUNDER/CONGRESSMAN JAMES MADISON IN HIS INITIAL PRESENTMENT OF SUCH BILL OF RIGHTS ON JUNE 8, 1789, THE 28TH PARAGRAPH OF CONGRESSIONAL RECORD THEREOF, BEFORE THE CONGRESS, IS FOUND TO **AMEND** ARTICLE III, SECTION 2, CLAUSE 3, EXPANDING THE SINGLE WORD "**JURY**" THEREIN TO BE ESTABLISHED AS BEING "**IMPARTIAL JURY**," WHILE GIVING THE ACCUSED, WITHIN THE CONFINES OF A PARENTHETICAL PHRASE, THE CERTAIN RIGHTS OF A SPEEDY AND PUBLIC TRIAL. BY THE

NON-DEFINING, NON REFERENCING AND NON PREFERENCING LANGUAGE CONTAINED IN THE AFORESAID SIXTH AMENDMENT AND BY THE APPLICATION OF CONTRACT LAW ACCORDINGLY, AND BY FURTHER PROCESS OF EXTRAPOLATION TO ARTICLE III. SECTION 2 CLAUSE 3, ITSELF, WE FIND THAT AMENDMENT SIX OF THE PROPOSED UNITED STATES CONSTITUTION ALSO ESTABLISHES THE POWER OF CONCURRENT APPLICATION TO BOTH THE UNITED STATES AND THE SEVERAL STATES THEREOF, NOTHING BY THE INITIAL APPEARANCE OF ITSELF INDICATING TO THE CONTRARY OR OTHERWISE APPEARING THEREIN.

XXIX. GOING TO THE CONSTITUTION'S SIXTH AMENDMENT, HAVING RECOGNIZED THAT AMENDMENT'S FRAMERS INTENTIONALLY AMENDED THE LEGAL EFFECTS OF THE WORDS, "THE TRIAL OF ALL CRIMES SHALL BE BY JURY" TO INCLUDE THE WORDS "**THE TRIAL OF ALL CRIMES SHALL BE BY [IMPARTIAL] JURY**" INSTEAD, WE NOW MOVE FORWARD TO REEXAMINE AND UNDERSTAND THE SAID SIXTH AMENDMENT'S MORE COMPLEX MEANING AS TO THE QUESTION FOR THE CONTROL PROCESS ITSELF - OR **TRIAL** OF **ALL** CRIMES.

XXX. IN RECOGNIZING THE RIGHTS OF AN ACCUSED PERSON IN THE CONFINES OF THE SIXTH AMENDMENT, WE REALIZE THAT THE TERM "RIGHT" APPEARS WITHIN A PARENTHETICAL PHRASE THEREIN, RENDERING A RIGHT FOR THE ACCUSED IN PARTICULAR TO A RIGHT FOR A "SPEEDY" TRIAL AND/OR A "PUBLIC" TRIAL.

XXXI. THE "RIGHT" AS CONTAINED WITHIN THE PARENTHETICAL PHRASE DOES NOT, AS A GRAMMATICAL PROCEDURE, EXTEND OVER THE SEPARATING COMMA, TO THE *IMPARTIAL* JURY IN ORDER TO LIKEWISE EXTEND A WAIVABLE RIGHT THERETO. GRAMMATICALLY SPEAKING, NO RIGHT, IN A CRIMINAL CASE, TO THE IMPARTIAL JURY EXISTS WITHIN THE SIXTH AMENDMENT ITSELF.

XXXII. REALIZING THE LONG JUDICIALLY TAUGHT ASSESSMENT, "YOU HAVE THE RIGHT TO A TRIAL BY JURY," WHETHER OR NOT *INADVERTENTLY* OMITTING THE AMENDED AND NECESSARY "IMPARTIAL" TERM FOUND ADDED TO THE SIXTH AMENDMENT INSTEAD OF ITS OMISSION, IS IN ERROR FOR ITS LEGAL READING AND RENDERING, WE ARE FACED WITH THE *COMMON INSISTENCE* THAT WE AS PERSONS **DO** HAVE A "RIGHT TO A TRIAL BY JURY" AFTER ALL, NO MATTER WHAT OUR READING OF THE MATTER OTHERWISE MAY SEEM TO INDICATE IS THE WAY THINGS ACTUALLY, LEGALLY, ARE.

XXXIII. BECAUSE THE INSISTENCE FOR THE LONG PROCLAIMED AND THOUGHT TO BE "RIGHT TO A TRIAL BY JURY" IS SO STRONG WITHIN ALL OF US, INCLUSIVE OF JUDICIAL OFFICERS THEMSELVES ON MOST OCCASIONS, WE SUFFER THAT IT BE SO, THAT WE "PLAY DEVIL'S ADVOCATE," AS IT WERE, AND EXTEND THE TERM "RIGHT" ACROSS THE COMMA TO THE "IMPARTIAL JURY" WAITING THERE, THEREBY PROVIDING THE ACCUSED PERSON THE "RIGHT" TO A TRIAL BY IMPARTIAL JURY, NO LONGER JUST AS SIMPLE JURY ITSELF.

XXXIV. IT IS WELL UNDERSTOOD THAT A PERSON HAVING ANY RIGHT CAN, BY INHERENT RIGHT TO DO SO, *WAIVE* THAT "RIGHT."

XXXV. TO "WAIVE ONE'S 'RIGHT'" TO A SPEEDY TRIAL, ONE GETS THE OPPOSITE, A MORE SLOW TRIAL. TO WAIVE ONE'S RIGHT TO A PUBLIC TRIAL, ONE WOULD CONCLUDE THE RIGHT TO A PRIVATE TRIAL INSTEAD.

XXXVI. CONTINUING WITH THIS SAME, LONG ESTABLISHED PRACTICE OF LEGAL METHODOLOGY, AND HAVING FIRST BEEN EXTENDED, OVER THE COMMA, THE RIGHT TO AN IMPARTIAL JURY, WE TURN NOW TO INQUIRE AND KNOW, PRECISELY, WHAT THE "WAIVING OF SUCH AN ALLEGED RIGHT" BRINGS US, AND THE ANSWER APPEARS TO US **SUDDENLY**, WITHOUT COURSE FOR DENIAL, AS FOLLOWS:

XXXVII. **TO WAIVE A RIGHT TO**, AND FOR AN OPPOSITE RESULT OF, **AN IMPARTIAL** JURY ***RENDERS/IS*** — ..... ***NOT A JUDGE***. **THIS IS TRUE,** BECAUSE THE OTHERWISE EXPECTABLE ANSWER, OR A "**PARTIAL** JURY," THE SAME BEING EITHER PREJUDICED OR BIASED, A DUE PROCESS VIOLATION OF THE FIFTH AMENDMENT, DENYING THE ONLY PROCEDURAL OPPOSITE TO A TRIAL BY "IMPARTIAL" JURY ACCORDINGLY, THERE CAN BE NO FURTHER DEVIATION FOR SUCH A WAIVER, WHICH WAY OF THE POWER OF THE NEGATIVE (ONE CANNOT PROVE WHAT DOES **NOT** *PROCEDURALLY* OR BY LOGICAL CONSEQUENCE EXIST).

XXXVIII. THE OPPOSITE OF AN IMPARTIAL JURY IS ... ***NOT*** *A JUDGE*; THE REASON THAT SUCH TERM WAS ADDED TO THE SIXTH AMENDMENT BY MR.

FOUNDER MADISON, IN THE 28TH PARAGRAPH OF HIS PRESENTMENT OF THE BILL OF RIGHT TO THE CONGRESS ON JUNE 8, 1789, AS FURTHER CONFIRMED BY DISCOVERY OF CERTAIN THINGS STATED AND ADDUCED WITHIN THE CONSTITUTION'S PLANNING MEETINGS, COMMENCING FROM MAY 17, 1787 TO SEPTEMBER 17, 1787, THEMSELVES, TO BE SET FORTH IN PARTICULAR DETAIL AND LEGAL REVELATION HEREINAFTER.

XXXIX. WE ARE, IN CONSIDERATION OF THE FOREGOING, COMPELLED BY EVERY SENSE OF REASONING TO RECOGNIZE THAT NO ONE **IN A CRIMINAL CASE**, WITHIN THE UNITED STATES OR ANY STATE THEREOF, HAS THE RIGHT TO A "TRIAL BY JURY," BECAUSE IT IS INSTEAD THE FACT, THAT IT IS THE JURY, THE IMPARTIAL JURY, THAT HAS THE RIGHT, THE MANDATE, **TO TRY** (CONTROL THE PROCESS FOR TRYING) **ALL CRIMES**, AND ... **A [THE] JUDGE CANNOT** BE IN THE COURTROOM, ... **AT ALL.**

XXXX. WHILE THIS MAY APPEAR, AT FIRST, TO BE SOME RADICALLY WRONG REASONING, AND THAT IT IS CERTAINLY A RADICAL REASONING FROM WHAT HAS BEEN LONG **BELIEVED** TO BE THE TRUTH OF ANY CRIMINAL CASE - **GOES WITHOUT THE SAYING**, HOWEVER, THE FACTS DO CONFIRM THAT THIS IS THE **PRECISE WAY** THAT THE CONSTITUTION'S FRAMERS MEANT - AND DESIGNED BY STRUCTURE - FOR **ALL** COURTS OF AND WITHIN THE UNITED STATES TO OPERATE **AB INITIO**. THE FACT THAT THERE EXISTS A DIFFERENT PRACTICE THAN THIS, NO MATTER HOW LONG THE PRACTICE MAY HAVE GONE ON IN ERROR, IS **IRRELEVANT** FOR ALL LEGAL AND CONSTITUTION[AL] PURPOSES.

XXXXI. THE **HIGHEST POWER** IN *ANY* COUNTRY IS **THE POWER TO TRY CRIMES**, GREATER THAN THE POWER TO TRY CIVIL MATTERS, GREATER THAN ANY OTHER FORM OF POWER, HOWEVER MAJESTIC OR NOBLE THAT SUCH POWER MIGHT APPEAR, THAT MIGHT BE IMAGINED OR CONTRIVED IN ANY ARENA OF GOVERNMENT, POLITICAL OR OTHERWISE.

XXXXII. (1) THE, NOT-TORT-LAW DOCTRINE OF "IMPLIED INTENT" ESPOUSED BY CHIEF JUSTICE JOHN MARSHALL PERCEIVED THAT ONE MUST LOOK TO WHAT IS *IMPLIED* WITHIN THE CONSTITUTION TO DETERMINE WHAT THE INTENT OF THE FOUNDING FATHERS MUST HAVE BEEN AND SO EMBRACE AS A CONSTITUTIONAL MANDATE SUCH IMPLICATION AS A MATTER OF CORRECT CONSTITUTIONAL LAW.

(2) STATING THE MATTER SOMEWHAT THE SAME, BUT DIFFERENTLY, JUSTICE WILLIAM JOHNSON, ALSO OF THE SAME SUPREME COURT IN Gibbons v. Ogden, 1824, AT PAGE 224:

> "In attempts to construe the constitution, I have..found..it to [go to] .. the simple, classical, precise, yet comprehensive language, in which it is couched, and ***when*** its **intent** and meaning is **discovered, ...**
>
> **... *nothing*** *remains* but to *execute the will of those who made it*."

(3) HERE WE DISCOVER FROM MR. JUSTICE JOHNSON THAT THERE MAY BE THINGS YET TO BE **DISCOVERED** AS TO THE TRUE, [IMPLIED] INTENT OF THE CONSTITUTION'S FRAMERS, AND THAT WHEN THAT INTENT BECOMES KNOWN TO US, WE ARE COMPELLED BY THE GREATEST DUTY OF HONOR AND FORTHRIGHTNESS TO **OBEY**, *WITHOUT FURTHER ADIEU*, THAT INTENT

AS THOUGH MADE KNOWN TO US **BY THE VERY WILL** OF THOSE GREAT FOUNDERS THEMSELVES, **PERSONALLY**.

XXXXIII. CONSIDERING THE IMPLICATIONS SET FORTH BY THE FACT THAT THE FOUNDING FATHERS THEMSELVES PLACED IN THE HANDS OF JURIES ALONE THIS HIGHEST OF ALL POWERS, THE POWER TO TRY (OR "CONTROL THE COURT PROCEEDING OF OR PERTAINING TO") ALL CRIMES, WITH NO MENTION OR ALLOWANCE FOR ANY JUDGE TO BE INVOLVED IN ANY CAPACITY THEREIN WHATSOEVER, IT WOULD APPEAR, AND SO MUST BE REGARDED AS HAVING BEEN IMPLIED, THAT ACCORDING TO THE AFORESAID DISCOVERY AND INTENT DOCTRINE CONTRIBUTED BY MR. JUSTICE JOHNSON, 1824, THE FOUNDING FATHERS INTENDED THAT **JURIES**, NOT JUDGES, SHOULD [MUST] BE IN CONTROL OF THE COURTHOUSES, PRECISELY AS IT HISTORICALLY USED TO BE, REQUIRING AS A MATTER OF CORRECT PROCEDURE OF LAW THAT A JUDGE MUST BE INVITED TO THE COURT BY A JURY, IF TO BE PRESENT THERE AT ALL, NOT THE OTHER WAY AROUND, AS IT HAS ERRANTLY DEVOLVED TO TODAY.

XXXXIV. IN CONTINUANCE OF OUR INVESTIGATION OF THE FOREGOING ASSERTION, TO DETERMINE MORE CLOSELY AND ASSUREDLY WHETHER OR NOT THESE THINGS BE SO, WE TURN NEXT TO THE EXAMINATION OF THE PURPOSES OF A JUDGE'S ROLE IN THE COURTROOM AT ALL, AND FIND FIRST THAT:

1) **AS A KEEPER OF THE PEACE**; It is NOT the judge's role to "keep the peace" or to serve as though a kind of "referee." The Jury Director

(previously foreman or foreperson) as the person chosen by the Jury itself to lead them, combined with the court's Bailiff, **can do that**. There is no need to have expensive judges to act in a capacity that can be taken care of by a selected member of the Jury along with the assistance of the Bailiff.

2) (1) **TO INSTRUCT THE IMPARTIAL JURY ON THE LAW. IF** the judge offers an instruction which would appear to be favorable to either side, the judge is acting to M*ake* The *Case* of Either Side *STRONGER* than what either of the two opposing parties could otherwise make their respective cases to be on their own. Consequently, the judge is not only Practicing Law From The Bench, the judge is Also acting in a manner that constitutes the Implementation of either a Prejudice or a Bias toward the affected parties at trial, and further takes from the Impartial Jury its own Right (Duty) and Mandate (Obligation) to Try the case based upon the merits and presentments of the case before THEM.

(2) In such an event then, the judge clearly is Trying The Case, in Violation of Supreme Law, by Determining For or In Place of The Impartial Jury – disallowing the Impartial Jury to determine for itself – what Laws and Violations of Law as presented to it by either the prosecution or the defense will be relied upon by it, Impartial Jury, to **TRY** the matter. Leaving us to question, then, whose actual job it must be to **Instruct** the impartial Jury on the law?

(3) The answer to the question, where long-standing presumptions have failed us, is as startling as the question itself. The answer is, it is the prosecutor's job to **instruct** the impartial Jury on the law. The reason that this is the case is fundamental, and logically inescapable, answering the question with another question, which question holds the obvious answer.

(4) As though To The Accused, the question is queried, IF the prosecutor does not *know* the law well enough, without any additional help from a judicial officer of the court itself to do so, to instruct the impartial jury *on* the law that he/she says you broke, what in the h_ _ l is he/she doing in the courtroom? (strong emphasis word not given full voice out of respect for these proceedings.)

(5) The answer, of course, is irrefutably seen at this point, and there have been in fact cases where judges themselves have received instructions on the law alleged to have been broken from the prosecutors in the cases before them.

(6) The same principle for the defense, to instruct the jury on the law that the defense believes to be applicable in the case, is the responsibility of the same, and both the prosecution and the defense are to stand ready to show the law(s) that each says is to be applicable in the case, or have such laws, if other than the common law, denied by the impartial Jury as being admissible in the case.

(7) The "judicial Power" as referenced at Article III, Section 1 of the Constitution recognizing the judicial Power that came to the United States

from England, which judicial Power was present in the William Penn case of 1670 (see Exhibit – 1670 William Penn Case, attached hereto), reconfirms the same reasons as just shown as to why it is the prosecution's job or responsibility to instruct the impartial Jury on the laws claimed to have been broken, reversing, as a matter of Required Sworn Oath to the Constitution First, above all other institutions of government, no matter who the same may be, that Juries, even Impartial Juries, also known historically as tribunal councils, are the only form of a court of jurisprudence empowered to try both the law and the fact, and not otherwise, popular history promoted by movie and television media showing history to the contrary, denied.

(8) These points as to the Instructing of the impartial Jury on the law now add to those points before this, **denying** the acclaimed or alleged right of a judge to be in the courtroom for any trial purpose in conjunction **with** the proceedings for a Trial By Jury, as well as other irrefutable points that further prove likewise, hereafter.

3) **EMBRACERY**. (1) The principle of Embracery as a crime was once strongly guarded against in all courts. It was for this reason, in part, that judges did not approach Juries at all, even as a claim for Voir Dire, giving that Duty to the very governmental department, **the Sheriff's Department**, to perform its duty under a **Writ of Ponendis In Assisis** (see below) instead of the court itself directly.

(2) **Embracery** IS "The crime of attempting (ordinarily by a judge or prosecutor, or both) to influence a Jury corruptly to one side or the other, by promises, persuasions, entreaties, entertainments, douceurs, and the like. The person guilty of it is called an "**embraceor**." This is both a state and federal crime, and is commonly included under the offense of "obstructing justice." **Black's, Sixth**. "The attempt to corrupt or instruct a jury to reach a particular verdict by means *other than* by presenting evidence or argument *in* court.." **Black's, Seventh**. Conclusively, "**in court**" does not constitute a justification for an[y] instruction by the court itself. Embracery, as a crime as revealed in **Black's Sixth**, is further examined for the demerits upon which the courtroom crime is based.

(3) As to the definitive terms in **Black's, Sixth**, The word, "**persuade**," as with "**persuasions**," is not at all times a positive matter; persuasions may be brought about by a giving of promises, or it may be brought about by way of threats, promises of negative things to happen, and most definitely orders that, if not obeyed, would lead to those threats being carried out. Thus, the roughian or **gangster's** statement of, "I had to ***persuade*** him to do what I said," is not to be taken in the positive, but would represent in its nature an unlawful and illegal act.

(4) The word, "**entreat**," as with "**entreaties**, means "to plead with, *especially* in order to **persuade**." Thus, except for either the prosecution or the defense in their own duties, no one may engage in a practice or act of **persuading**, inclusive of ordering or directing, or entreating, inclusive of

pleading, with an impartial Jury, for the benefit of either side of the case, to make its mind up one way or the other. The prosecution, or plaintiff, *and* the defense, or defendant, **alone** have this right and responsibility.

(5) From this, we understand that things involving the overcoming of the free will and determination of an impartial Jury can be regarded as an act of influencing such impartial Jury to cause it to lose absolute control of the case at hand. It is UnLawful = Illegal to do it, and particularly where it is discovered that the **highest power** of the land was **placed directly** into the **hands** of this legal body, or **impartial Jury**, **alone**, makes the crime of **Embracery** most unconscionable if perceived to exist, or continued at all when understood by any to whom it pertains.

(6) This issue involving the **Crime** of **Embracery**, in distinct respect to the definition of the same as provided sufficiently by most dictionaries of law, most definitely includes a judge when sitting in a courtroom and doing any thing whatsoever which would so influence the impartial Jury, in any way at all, as to recognize that the impartial Jury's decision was not absolutely its own, alone, and should exist as a right to bring about the criminal prosecution of any such judge accordingly - for the crime of **Embracery**, in the very least of it all.

(7) An impartial Jury, being first successfully impaneled ***as*** an impartial Jury, if being instructed, and thereby influenced, **either way**, except by evidence and arguments made, so as to unduly change, to the very least degree, the impartial Jury to be ***made*** a *partial* Jury, lays the ground for a

mistrial (the trial was not held by an **Impartial** Jury the whole way through Trial), wasting taxpayer's money, and also constitutes an Obstruction of Justice under the common law, as well as such statutory law as may likewise be applicable thereto.

4) **[1] TO DETERMINE THE NECESSITY FOR OBJECTIONS BEFORE THE IMPARTIAL JURY - AS SUCH MIGHT BE CALLED FOR UNDER THE COMMON LAW.** **(1)** Under the Common Law, as embraced or included by the usage of the word "Law" at Article III, Section 2, Clause 1, Phrase 1, or the Law of the Commoners as the term became contrived under the laws and practices of the people of England, there are certain fundamental, or undeniable, principles that must exist where a Trial, on behalf of the people, By Jury, is to be commenced. Those engagements of the Common Law, which lead us to the Common Law Rules to be used by the impartial Trial Jury in the Trial Court itself, are, though few in number in contrast to so many statutory rules made by the government for government, not – for the people, are sufficient in their scope for justice to accord to the impartial Jury full ability to try any case before them, impartial Jury, for the purposes of fully commencing, continuing, and concluding the case being Tried by them, rendering a just verdict, which verdict, having the weight of law as to both law and fact, constitutes all sufficient order to be carried out by such administrative officers as may be empowered, by law, to do so.

[2] Reviewing old-time practices of law and court proceedings, inclusive of some current ones, we find that the basics for the usage of the Common Law

is plenary, both as to jurisdiction and trial procedures, and consist, minimally, of the following Rules accorded to the Common Law, as it was in the beginning of the same, and as it therefore must be again, except an Amendment be found denying such Extended Power to the United States Supreme Court itself – at Article III, Section 2, Clause 1, Phrase 1, as follows.

1) The 1st Rule of the Common Law, or The Law of the Commoners, is that all men, and women, are equal, equal as to their word, or presumed honesty in the telling of the Truth, no matter who that person may be, and no matter what office or title or condition of long servitude that person may hold. In this Rule, Honesty is Everything while Dishonesty is **Nothing**; No Disregard of Equal Testimony can be regarded by this Rule.

2) This Rule of the Common Law, therefore, recognizes that the word of an individual person, whether on a single point or upon an entire matter, is no greater than the word of another individual person, no matter the other person, and that, except there be a witness to a matter in question above the one only, the case at hand is not made;

3) 1)) Knowing full well the consequences of the faults created by the Men of Straw, and of the consequences of Star Chamber Trials, too notorious to be too long or forever sustained, the Common Law, or the Law of the Commoners, recognizing the requirement for a greater number of witnesses than one, became the cause for England's own practice for Bobbies being assigned to travel two by two, not particularly for security force purposes, but for witnesses (see the Sixth Amendment itself) purposes, in recognition and compliance of the same Common Law, requiring recognition of equality of the word between persons, where a greater weight of word is not otherwise established.

2)) The rejection of the continued possibility of the Men of Straw in testimony, requiring the Sixth Amendment's own requisite for two or more witness in every event of procedures of law, even in face of alleged evidence in support of an alleged crime, as a sustained part of the Common Law Rules, being also sustained by The **Unus Nullus Rule**, made applicable and extended by the Sixth Amendment's "Confrontation ***with*** *the* witnesses" to the Unus Nullus Rule that a claim for evidence be, in effect, "**the testimony of one witness** [*no matter the witness, ie, in principle going to the Common Law and not an other form of claimed law*] **is equivalent to the testimony of *none*.**" **Black's Sixth**, as Reference. Also, equally to be applied as extended and mandated by the Sixth Amendment in criminal cases for "witnesses" and not witness, in **Black's Seventh**, "The evidentiary

principle that the testimony of only one witness is given no weight," which goes to the saying, "**The Greater Weight of Intelligence Is Valid**."

3)) NOTE that the particular wording of the Sixth Amendment in its reference to "witnesses" and not "witness," being a purposed by the Amendment's Framers, was to extend the Unus Nullus Rule required of the Common Law to all criminal prosecutions as a matter of Constitution[al] requirement, or mandate, not to be compromised away by any conscionably acting court's impartial Jury called for any prosecutorial purpose thereunder.

4) The requirement that the "word" or testimony of each person is equal, as it is under the Common Law, and to be accepted upon the same basis of presumed honesty as the word of every other person having an opposing claim, where not proven to be lesser than this standard for honesty, is the First Rule of the Common Law Rules for the impartial Trial Jury to rely upon.

5) The 2nd Rule, much like unto the First Rule, of the Common Law, is long voiced in required oath, for swearing in any such witness before the court, stated, as a question, in famous legal wording, as "Do you swear to tell the truth, *the whole truth*, and nothing but the truth, so help you God?' (emphasis added).

6) The use of the word God, or a denial thereof, is **not** at question here as to the Second Rule of the Common Law, ***however***, the middle phrase thereof is, or that is to, "**tell** . . . the **whole** truth."

7) The procedure for Trial **By** Jury when requiring "the **whole** truth" to be heard by any person witnessing to any matter before the court requires that the witness not only do just that, tell the whole truth, as the witness alone understands or believes it to be, without ceasing until done, with the full allowance of the court in doing so, without a single intervening manipulation by any attorney or counsel, whether for the prosecution or the defense, until after testimony has been completed by that witness, as confirmed.

8) Only after a witness has completed the full, or whole, testimony which he or she purports to be that whole Truth as sworn to, does the counsel for either side of the Trial have any right to commence questioning the witness, to break down or else confirm, such testimony, as a part of the due process procedures to be followed by the court or impartial Jury, to get at the real truth that the purpose of the court is obliged to find out, when it can, and uphold.

9) To tell the Truth" is certainly the primary principle upon which any court of justice must and ought to be based, but the 2nd Rule of the Common Law comes from that second phrase of the sworn oath itself, the agreed to obligation and duty – to tell the whole Truth – right at the time of testimony to be given, else the witness has breached his or her oath agreeing

to do so, and neither counsel for the prosecution nor counsel for the defense has the right to either prevent or dissuade the witness from doing precisely that at the appointed time where the witness, before the impartial Jury, is to be heard as a procedural part of the Trial **By** Jury itself.

10) As a part of the 2nd Rule, the witnesses, every one of them for both sides of the charges, are to be made known to the impartial Jury, so that the impartial Jury may have the right to hear the testimony of each and all of them, without any omission of the least of them, before the case can be concluded and done with, for any trial purpose.

11) Proclamation Of All Witnesses To Be Called. It is a Fraud Upon the Court for either side of the charges laid to proclaim a Witness who is Not a Witness in Fact; there is no way in which a Witness can be determined to be or not be a Witness in Fact except such Witness to be Called to Testify as the same was purposed for; to give testimony of the Whole Truth, as is demanded of the same under the Common Law Rules of Trial Procedure in a Court of Law and Justice, which Court an impartial Jury, as an Assize, is to preside over. Therefore, this Common Law Rule requires that each and every witness proclaimed to be the same, whether for the prosecution or for the defense, must be called and heard in their entirety of what their testimony may reveal, before the impartial Jury may proceed to conclude the Trial by the same to any extent at all. This is done to prevent any testimony that may be given by a proposed witness from being held back when such testimony may reveal to the impartial Jury the actual and whole truth, without which such whole truth may never be known.

12) Testimony of the Accused As Witness For Self. While it is the right of the Accused to not be required to testify against the self, as protected by the Fifth Amendment itself, as a right under the Common Law Rules, **nothing** in said Amendment denies the Right of the Accused to **still** testify for *his/her* own self, to such extent as the same may determine to give testimony, while waiving the continued Right contained in the said Amendment while doing so. Such practice denying an accused of this **Right** has been an error against the Common Law, which is the Right of the Common People themselves, and exists as no lesser right than this. Thus, the Accused shall have the right to provide such narrative testimony as suits the same to give for his/her own defense, without fear for compulsion that the same shall be, at any time, required to give any answer or response that the same Accused is not desirous to give, without the requirement that the same proclaim the following words, "I take the Fifth Amendment," but rather that the same, Accused, has the right to simply maintain silence as to a question asked, without such silence being construed as an incrimination against the same for not so answering.

13) The 3rd Rule of the Common Law pertains to the recognition and Admission of Evidence, a secondary requirement to the necessity of the Rule requiring "witnesses." The Common Law Rule for the Admission of Evidence demands that the impartial Jury have timely access to all of it, and that it be the impartial Jury alone who determines the validity of any

evidence adduced or to be adduced, for in relation to the meaning or admissibility of fact, the impartial Jury alone as, minimally now, the Trier of Fact, "It is not the judge's role to determine "the truth of the matter," Big Apple BMW, Inc. v. BMW of North America, Inc., 974 F.2d 1358, 1363 (3d Cir. 1992) (quoting Anderson v. Liberty Lobby, Inc. 477 U.S. 242, 249 (1986)), cert. denied, 113 S. Ct. 1262 (1993), exposing, again, the judicial error, or else judicial ultra vires, that has a judge trying fact as before the trial of the fact itself by the only qualified discerning body empowered to do so – the impartial Jury itself alone.

14) Either the impartial Jury itself, during its selection of the Jury Director therefor (formerly as foreman or foreperson) or else the clerk of the court, or an assigned assistant thereof, may sub-docket the admission of the evidence, to be presented in form but not in fact, by each side before the impartial Jury, to be presented by either prosecution or defense as may best serve their interests, as determined by the same thereafter.

15) The 4th Rule of the Common Law has to do with protocol, or respect and manner of conduct, which includes, without the necessity of saying or writing, form of apparel, appropriate content of non-offensive speech, gestures, respect for equal rights in proceeding and being heard, and so forth, as any other court of law has ever had right for and reasonably expected in order to maintain the virtue and integrity of the court.

16) The Fifth Rule of the Common Law, as with mandatory, non-waivable "due process" under the Fifth Amendment, pertains to the **findings** of and the ***enforcement*** against the offense or violation consisting of the **Inherent Offense** -from the **Inherent Power** - of **Contempt of Constitution**. While it is recognized that a **court's** highest form of judicial power rests within its inherent right to summarily prosecute for contempt of court (N.M.—State ex rel Bliss v. Greenwood 315 P2d 223, 263 N.M. 156 and Tenn. L—Pass v. State 184 S.W. 2d. 1, 181 Tenn. 213), such similar acts of Contempt which violate with impunity the rights of the people's impartial Juries to find and hold for and protect ***their*** Constitution by way of *prosecution of* - for **Contempt of Constitution** - *criminal* government, such discernment and assertion, being procedurally a respectful challenge of all Inherent Powers in question, and The **Order** In Which They Prevail - one over the other, as to the proper and true authority or the integrity of the court with its prerequisite impartial Trial Jury itself only, **Contempt of Constitution** is an **Inherent Power** in Law, Still Existing *under* the Common Law and its Common Law Rules, which lies *indisputably* with the impartial Jury itself alone, and not otherwise

17) The purpose, as stated in Wis—State v. Cannon, 221 N.W. 603, 604, 196 Wis. 534., for the inherent power of contempt of court, being ordained to accomplish its purposes, to maintain orderliness, to secure the court against unlawful acts committed against it or its participants, and preservation of soundness of lawful integrity, being recognized as an integral part of that "highest judicial power," aforestated, it is understood that the

power greater than that of contempt of court, being, for the same or similar reasons, to establish and maintain orderliness, to secure the Constitution against unlawful acts committed against it or those who are justly in reliance thereupon, and for the preservation of soundness of lawful integrity, being recognized as an integral part of that "highest power of government, vested in the hands of the people, through the vesture of impartial **Juries**," is known as **Contempt of Constitution**, which inheres to the rights of the people, endowed by Guarantee for a Republican Form of Government, by the rights to the direct representation thereof, and as a direct and indisputable power thereof, of the impartial Jury, for Trial BY Impartial Jury only, and not less.

18) The inherent power of contempt of court, coming **under** the auspices and aegis of the power of **Contempt of Constitution**, the impartial Jury is to have the right to execute such power against such elements that may cause any destruction to their, the people's, Constitution, along with the power of contempt of court itself, such power being originally grounded – by the understood consent of the King – in the sovereignty of the nation for which it was recognized, the like of which now persuades us and denies us not to invoke this same **Contempt of Constitution** as an inherent Power, directly in the hands of the impartial Jury, as the same was entrusted with the highest Power in their own hands, even, the Trial By [impartial] Jury alone, and none other.

19) An attorney or lawyer may not "testify" as to the truth of any matter, except the same be an accused testifying in their own behalf in a case that is against himself/herself, nor is the Accused to be denied assistance of Counsel based merely upon the proposal that the same is not a member of a Bar association-Union, If the impartial Jury, as well as the Accused, is reasonably assured that a person whose presence with the Accused is a proper person to be before the court, being itself, the impartial Jury, then such decision to allow the same assistance of counsel before it shall stand as the Rule to be continued under.

20) 1)) One of the most fundamental Rules of the Common Law Rules is known as **Standing**, or the Lack thereof. The impartial Jury is empowered under the Common Law to recognize, or not recognize, whether or not a person appearing before it has the right of Standing to be there in the first place. As such, the Right for Standing, being the Right to Stand before the Authority, whether that Authority be of Court, Administration, or Legislative, in order that the same may be both seen, heard, and considered as to the very existence thereof, denies Standing where there shall be a Lack of Standing, which Lack of Standing means or goes to the following: (1) **No Right to Speak**; (2) **No Right to be Heard**; (3) *No Hearing is Officially Accomplished*, No Matter the Hearing itself; (4) **No Right to be Seen**; (5) *No being Seen is officially Accomplished*; (6) No Right to be Presented or Present as an Official Matter; (7) **No Right to be Considered** from the beginning when Standing is challenged and challenge not met.

2)) These foregoing points of meaning of Standing, or Lack thereof, shall be used by the impartial Jury at any time the same shall have

due cause to question the legitimacy of the presence of any person or claim of evidence before it.

21) As a reasonable expectation of any impartial Jury to exercise its Right for, where there shall be any lack of knowledge on any point of law or fact that neither the prosecution nor the defense has provided at any point during the course of Trial, the impartial Jury, one or more of its members, has the Right to seek such review of law or information on facts in any library, whether or not a library for the law, or other reasonable resource for the facts involved in the case themselves, in order to correctly ascertain the basis for the Truth which it is to hold before itself, impartial Jury, as the final Rule under the Common Law upon which its own Power to Try All Crimes is based.

[3] That the Common Law Rule or Power for **Contempt of Constitution** has ***always*** existed, *even before that of contempt of court*, even though not necessarily written into a constitution, a constitution being written upon the "hearts" of the people before ever being written upon paper, if ever written at all; being present, nevertheless, upon all cases where tyranny - by spite of basic human rights - has raised its ugly head too much, from the cases of Marie Antoinette's '**Let them eat cake**,' to General Armstrong Custer's last battle at the Little Bighorn, that it has existed for and in all nations from the beginning of recordable time to the end of time ever after this time, of times, before this court.

[4] The Common Law, carrying with it the Inherent Power of **Contempt of Constitution**, belonging, solely, procedurally to the people, recognized as an Inherent Power reserved only for an impartial Jury and not a judge, on this further principle hereby established, the authority or alleged continued right for a judge to be present while the impartial Jury Tries any and All Crimes, constitutes a Constitution[al] Mandamus, not an "allowable" one, before the court of this case.

5) **THE ARRAIGNMENT**. The issue of the Arraignment has already been covered in the adjoining "Bypass" pleading relevant to that issue. Nothing needs to be said about the matter here, except to note that it was, and is, the technique that judges and their underlying benefactors began to use in order to get themselves **included** in the criminal trials ["You have the "right" to a trial by jury (*but you don't*), and if you waive your "right" to a trial by jury (which you still don't have), you get **me**."] After having embarrassed regular town-folks and city-folks by offering their "services" to the Trials By - not With - Jury, **free of charge** at first ("You fellows don't know the law. I know the law. I'll just sit up here and help you with knowing the law," . . . after which in time later, it became necessary to have the city's council to hire the judge on a more regular basis, but not for free any longer, of course.)

6) **PRETRIAL - JUST A PROCEDURE OF EXTENSION OF THE ARRAIGNMENT, BUT NOT TRIAL ITSELF.** No different than the Arraignment itself as a place wherein the judge's role became allegedly more important and allegedly more indispensable , the Pre-Trial has no basis in Constitution[al] law, but exists instead for the most part as a place where the prosecution can cover up its mistakes that law enforcement should have never made an issue in the first place, showing that law enforcement itself, who should and must KNOW the law that it says the accused broke before bringing an alleged violation of law before a court, was required to directly represent itself in the trial, so that its, law enforcement's, mistakes, if any, would be to the direct liability of the same, and not by use of a third party prosecution having the opportunity to review law enforcement's potential

mistakes, with a further opportunity to "cover them up" by either dismissing the case altogether (a condition which violates that the **Impartial Jury**, not the prosecution, **Try** the crime alleged before dismissal can be considered), or Worse, by offering a "plea *bargain,*" like commercial justice on an auction block, to the wrongfully accused, whether for power or image reasons, or simply because there is a tendency to deny that the prosecution side of the matter may have been wrong to have the case at all before it in the first instance. The alleged right, as a procedural option, for a thing called a pretrial, not being lawfully Constitution[al], the claim for a right for said pretrial is denied.

7) **FURTHER OBJECTIVE DISCOVERY. A WRIT OF PONENDIS IN ASSISIS.** The existence of the Writ of Ponendis Assisis itself at all establishes yet another evidence of the fact that there was a time that judges had no authority or existence whatsoever in a trial, whether criminal or civil, as we examine the purpose and scope of the **Assize** for which the Writ was to be executed, and the fact that there are many cities and counties within the several States, particularly those more southward and westward, which not only did not have judges in the courtrooms or courthouses, but not even in such cities and counties themselves; yet the necessary trials were able to go on regardless of the lack of a single judge therein, being tried wholly **by** (not "with") Jury, proving, again, that judges were not "a part of the furniture of the court," or in other words, "not a necessary, indispensable element to the court itself."

8) THE HARD QUESTION. PRECISELY WHEN *DOES* THE "TRIAL BY [IMPARTIAL] JURY" BEGIN? (1) The issue of the **Constitution[al] Mandate** or Absolute, Unequivocal **REQUIREMENT** that ***JURIES*** – NOT judges – ***TRY*** *ALL CRIMES*, raises some very important and Illuminating Questions and Answers which Establish Further, to a Convicting Degree, the Terrible Fallacy and Fraud that has been Perpetrated Upon the American People for Far Too Long. This issue is given the Further Weight of Evidence and Undeniable, Unreversible Legal Logic to the Following Points, Proper Jurisprudence DEMANDS that these Questions MUST BE ANSWERED, to the Utmost and Final Degree:

(2) Recognizing, once again, that the Word "Trial" Goes To "Control Process," and it is the impartial **Jury**, in fact, Not a judge, in whose Hands this Duty and Obligation has been Placed, **WHEN** Does The Trial **BY** impartial Jury Factually *Begin*, or that is to say, At What Point In TIME During the Trial Process Itself DOES the Trial BY The **impartial** Jury itself Actually BEGIN? **. . . DOES THE TRIAL BEGIN AT:**

1. THE READING OF THE CASE NUMBER? [**NO**]
2. WHEN THE CHARGES ARE FIRST READ OR INTRODUCED? [**NO**]
3. WHEN THE FIRST EVIDENCE IS INTRODUCED? [**NO**]
4. WHEN THE FIRST PROSECUTION WITNESS, OR ANY WITNESS, IS CALLED UPON TO TESTIFY? [**NO**]
5. WHEN THE JURY IS FIRST SEATED? [**NO**]

(3 AT ***WHAT*** **POINT** AFTER THE CHARGES HAVE BEEN FIRST READ, IF NOT BEFORE, IS IT OFFICIALLY RECOGNIZED AND DESIGNATED THAT THE REMAINDER OF THE PROCEEDINGS ARE TO BE CONSIDERED AS TRIAL PROCEEDINGS PURELY BY IMPARTIAL JURY, AS OPPOSED TO CORRUPTED PROCEEDINGS INVOLVING A **TRIAL BY JUDGE** ***WITH*** JURY AND NOT SOLELY BY IMPARTIAL JURY IN CONTROL OF ALL OF THE PROCEEDINGS OF THE CASE BEFORE IT THEREOF, AND NOT - SOLELY BY JUDGE - AND ***EMBRACED*** JURY, MORE AS ONLY AS TOKEN DURING THE ALLEGED TRIAL BY IMPARTIAL JURY?!

(4) **IF WE SAY** - OR IF A COURT'S JUDGE CLAIMS - THAT THE PART WHERE THE JURY ACTUALLY **TRIES** THE CRIME BEGINS **WHEN** THE [IMPARTIAL] JURY "GOES INTO THE 'JURY ROOM'" TO "DECIDE" (NOT TO TRY/CONTROL ALL PROCESS), THEN, QUESTION, **WHAT WAS EVERYTHING BEFORE THAT CALLED?** AN UNOFFICIAL PRACTICE OF LAW? **NO**; — ***JUDICIAL FRAUD!***

(5) WHETHER THE ANSWER TO THE QUESTION IS REGARDED AS EITHER AN UNOFFICIAL PRACTICE IN LAW, DONE SO IN EXCUSABLE OR INADVERTENT IGNORANCE OF THE LAW, *OR ELSE* KNOWING **JUDICIAL FRAUD**, THE PRACTICE MUST BE STOPPED ALTOGETHER, AND THE CASE BEFORE THIS COURT MUST BE TRIED, FULLY TRIED, UNDER THE COMMON LAW, STILL AN ELEMENT OF COURTROOM PROCEDURE IN THE

CONSTITUTION, BY AN IMPARTIAL JURY ALONE, **WITH NO JUDGE** OR OTHER JUDICIAL OFFICER (The Prosecution is Actually Supposed to Represent Only the Government, NOT the Court itself, and So is Not Qualified here as a Judicial Officer) **IN THE COURTROOM**.

(6) TO FURTHER EXPOSE THIS LONG STANDING ERROR IN COURTROOM PRACTICE, WE EXAMINE THE FOLLOWING EXAMPLE RAISED BY QUESTION.

(7) IF ANY JUROR, WHILE THE ALLEGED TRIAL BY IMPARTIAL JURY WAS ALLEGEDLY UNDER WAY, WERE TO RAISE HIS/HER HAND IN AN EFFORT TO BETTER UNDERSTAND TESTIMONY OR EVIDENCE GIVEN BY EITHER SIDE (WHICH HAS BEEN KNOWN TO HAPPEN), AND THE JUDGE "PRESIDING" OVER THE IMPARTIAL JURY WERE TO SCOWL AT THE JUROR AND SHAKE HIS/HER HEAD "NO," *WHAT* HAS JUST HAPPENED? WHO THEN IS ***TRYING*** THE CRIME? **NOT THE IMPARTIAL** JURY, AS REQUIRED OR MANDATED; NO, **THE *JUDGE* IS TRYING** THE CRIME, NOT THE IMPARTIAL JURY ITSELF ALONE.

(8) THE FACT THAT THE IMPARTIAL JURY HAS NOT, LONG BEFORE THIS TIME, BEEN PROVIDED EFFICIENT INSTRUCTIONS, PROVIDED THEM AT THE TIME OF THEIR IMPANELMENT, ON HOW TO PROCEDURALLY INTERACT WITH WITNESSES WHEN TESTIFYING, AND WITH EVIDENCE AS PRESENTED BY EITHER SIDE, IS IRRELEVANT, AND IS THE ERROR AND DOWNFALL OF

THE LEGISLATURE, *NOT* THE PRIVILEGE OF THE COURT TO PROCEED ANYWAY *AS THOUGH NO CLEAR MANDATE* AS TO WHO, AND WHO NOT, WAS TO TRY ALL CRIMES, *HAD BEEN GIVEN BY THE UNITED STATES CONSTITUTION ITSELF*.

9) CALLING NOW UPON ALL COURTS AND REGISTERED MEN OF LAW AND JURISPRUDENCE TO FOCUS, PRECISELY AND CRITICALLY, UPON THE FUNDAMENTAL REALITY, ACCORDING TO THE CONSTITUTION'S FOUNDING FATHER WHO BROUGHT US TRIAL BY JURY AT ALL, IN THE FIRST PLACE.

(1) It is not generally known as to which of the Constitution's Framers brought us "Trial By Jury" to begin with. Even less known is the binding **purpose** for such Trial **By**, ***not*** "**with**," **Juries**, as stated directly into the Constitution's **planning meeting** held on September 12, 1787, by the Framer who provided for it, Trial BY Jury, himself.

(2) The Constitution's Founders were aware of the infamous Star Chamber Trials of England. This practice of pre-deciding, between a judge and a prosecutor, the outcome of a trial before the trial itself was even begun, was a grave concern to the Constitution's Founders, as was reflected, radically, but needfully, by one of the Constitution's little known Founders, now Deserving of Our Respect and Praise.

(3) On September 12, 1787, just five days before the Constitution itself was first ratified, **Mr. Founder Gerry**, at his second presentment of proposed Constitution Law for the day, to be entered as such into the Constitution upon its acceptance for ratification, stated meaningfully, bindingly, truthfully, applicably, as recorded by **Mr. Founder Madison** himself:

> **"Mr. GERRY** urged the **necessity** of **Juries** to **guard agst. corrupt Judges**." (agst. = against) (emphasis added)

(4) This is a startling, though - based upon all of the other information that we now know - *not* unexpectable. It does, without denial, raise many exigent questions about the underlying purpose of a jury, whether or not required as impartial, and how the jury would be able to interact at all with a judge where its primary duty involving external authority to itself was to guard against the same – judges.

(5) Continuing, Mr. Founder Madison recorded of Mr. Founder Gerry's purposed proposal:

> "He proposed that the Committee last appointed should be directed to provide a clause for securing the trial **by** Juries." (emphasis added)

(6) Following Mr. Founder Gerry's proposition for a Constitution-inclusion, **Mr. Founder Col: MASON** perceived [that]

> "The jury cases *can not be specified*," meaning that ALL cases before a court, no matter whether civil or criminal or any kind of case otherwise, consist of a Trial **By** Jury and NOT a judge. The Seventh Amendment itself, "its "preserved" principle, to make the Jury "ready for use at any time," every court-business day, all day long, over the $20. or less judge, was an attempt to comply with Mr. Founder Col: Mason's own contribution to the kinds of courts that the United States, or either of them, were meant to have, and not the ones such as they have now.

(7) At *no* time was **Mr. Founder Gerry's** proposed purpose for Trial **BY** Juries disputed, disparaged, or denied. Just the opposite, it was *expanded* upon and supported by **Mr. Founder Col. Mason** himself.

(8) It would be **impossible** to "guard against" a thing if you made the thing guarded-**against** the master or controller **over** the thing to be the guard. To do so would be the equivalent of the proverbial "putting the fox into the hen house to guard the chickens."

(9) The following are the logical questions and conclusions that are discerned by **Mr. Founder Gerry's** proposal for legal insertion into the Constitution itself the requirement for **Trial BY Juries**.

> [1] **Legal Question**. IF A JURY'S USAGE FOR TRIAL IS SUPPOSED TO BE FOR THE PURPOSE OF GUARDING AGAINST CORRUPT JUDGES, HOW WOULD IT BE POSSIBLE FOR A JURY TO GUARD AGAINST A CORRUPT JUDGE WHILE A JUDGE (ANY JUDGE) WAS IN THE COURTROOM WITH THAT SAME JURY? (Self Evident Answer: "They couldn't. The judge would overrule them every time.").
>
> [2] **Repeating Legal Question, Differently**. SINCE A JURY WOULD HAVE NO WAY OF KNOWING IF A JUDGE WAS CORRUPT OR NOT BEFOREHAND, BY WHAT CIRCUMSTANCE AND BY WHAT RIGHT WOULD A JUDGE HAVE TO IMPOSE HIMSELF UPON A JURY, OR BE IN A

JURY'S PRESENCE WHEN TRYING A CASE, WHERE NO INNOCENCE OF CORRUPTION COULD BE PRESUMED BY THE JURY? (Self Evident Answer: A judge would have no right to impose himself/herself upon a jury, or be in the jury's presence, the jury having no way of knowing if such judge was in fact corrupt, and needing to be guarded against, by whatever means of power to do so within their, Jury's, own power to avoid interacting with same).

[3] **Repeating Legal Question, Differently Again.** HOW COULD A JURY GUARD AGAINST A CORRUPT JUDGE WHERE SUCH JUDGE WAS ALLOWED ANY OPPORTUNITY AT ALL TO INFLUENCE, TO THE SLIGHTEST DEGREE, SUCH JURY, OR, AS IS KNOWN TO BE THE CASE BY A JUDGE'S ISSUANCE OF ORDERS DIRECTLY TO THE JURY ITSELF, THEREBY INTIMIDATING SUCH JURY, HOW WOULD THIS CONDITION BE CONSIDERED AS CONDUCT THAT WOULD NOT BREAK DOWN THE JURY'S ABILITY AND DUTY AS REGARDED BY THE FOUNDERS THEMSELVES TO "GUARD AGAINST CORRUPT JUDGES?" (Self Evident Answer: There would be no way in which the Jury, not knowing as to whether or not the judge was or is corrupt, could avoid being intimidated by the same, and could not know whether or not the orders given by the potentially corrupt judge was not just as corrupt as the potentially corrupt judge himself/herself.).

[4] **Repeating Legal Question, Still Again**. IF A JURY WAS CHOSEN BY THE CONSTITUTION'S FOUNDERS "TO GUARD AGAINST CORRUPT JUDGES," HOW HAS IT HAPPENED THAT JUDGES, POTENTIALLY CORRUPT OF ELSE CORRUPTIBLE, UNDER WHATEVER PRETENSE OR CLAIM FOR JUDICIAL INNOCENCE FROM THE CHARGES FOR POTENTIAL CORRUPTION CLAIMED, FOUND THE WAY TO FORCE THEMSELVES UPON THE JURY, BY COMING INTO A COURTROOM IN THE FIRST PLACE, WHETHER FOR ANY REASON OR EXCUSE OF PURPOSE IN DOING SO, FOR ANY LENGTH OF TIME? (Self Evident Answer: (How judges, whether corrupt or only potentially corrupt, managed to work their way into courtrooms, to rise in alleged authority over impartial Juries, is not fully known, yet. What is known is that such conditions as now seem to exist did not always exist throughout the United States, or either of them. What is also known is that, a statement of dishonor of Juries, altogether, was made in the case of Palko v. Connecticut, 1937, wherein **corrupt** justice Benjamin Cardozo asserted, in reference to both Fifth Amendment grand juries and **Sixth Amendment** trial juries, that "[**such rights**] **are not of a scheme of ordered liberty. To abolish them is not to violate a principle so rooted in the traditions and conscience of our people as to be ranked fundamental**," proposing in implied summary, "**We *judges* can *do it***," commencing a basis for judicial fraud **conspiracies** to diminish the role of juries, whether or not impartial, everywhere.).

> [5] **Repeating Legal Question, Again**. A Duty and Obligation for Juries to Guard the People against Corrupt Judges being the True Motive behind the Purpose for the Trial by Them, Juries, Would the Idea of a judge being allowed to be In the courtroom, much less to officiate to any degree, the Presence of a Jury, having as such the Ability to [Suspiciously Potentially] Manipulate the Jury by his/her Potentially Corrupt or Corruptible Orders, thereby Nullifying the Concept and the Ability of the Jury to Guard Against Corrupt Judges, Be The Same Thing, Equivalently Speaking, as the proverbial Putting the Fox in the Hen-House to Guard the Hens? (Self Evident Answer: Yes, putting or allowing any judge at all to be benched in a courtroom with an impartial trial Jury would be the same thing, as the meaning of the proverb or maxim stipulates to, of "putting the fox in the hen-house to guard the chickens").

(10) The foregoing legal questions exists as a serious questions, for the purpose of the Jury in a Trial By Jury, now exposed to us by Mr. Founder Gerry on September 12, 1787, was not disputed by any other Constitution Founder present. Silence on this point by the other Founders therein as well as the further support by Mr. Founder Col. Mason, establishes their tacit consent or concurrence to the True Purpose and Intent of a Jury as it relates to the presence of any judge in a courtroom where an [impartial] Jury has been employed to Try Any Case before it.

(11) The wrongful or else errant takeover of the courthouses and courtrooms by judicial officers (or judges) to any degree whatsoever, in the

face of these indisputable truths now present before us, is not "funny," nor is it excusable, nor can a judge explain it away as though some part of lawful history, when going far enough back in it, justifies the present day condition involving the pretext for a Trial **By** Jury, where a judge, any judge, PRESIDING over the same, makes a mockery and a sham of the term "Trial ***By*** Jury" **altogether**, and disgraces the heritage of the United States and the Several States thereof, and those people, those Great Founders and Framers of the Constitution, who have obviously Died In Vain – (except we now start to get it right) – ***believing***, that what ***they*** bound us to by their signatures would be honored by those who followed them in our governments. Who was to know that it would ever come to this?

(12) Not in personal offense toward any modern judge reviewing this case, But as to the one Founder who brought us Trial By Jury in the first place, based upon said Mr. Founder Gerry's legal revelation as to the true and intended purpose for Juries, stated on September 17, 1787, to guard against corrupt judges, even the potential for them, this matter prohibiting any judge whatsoever, whether believed to be corrupt or proclaimed undeniably to be honest, requires without compromise that this case be Tried By impartial Jury, not by right of the accused therefor, but by the Right and Mandate of the impartial Jury alone to do so, without the presence of a judge or judicial officer in the courtroom with them; SEALED as to the law, and the Law above law. So Be It.

10) EXHIBITED MOTIVE FOR CONSTITUTIONAL AUTHORITY. While being compelled to accept judges as an already existing part of the colonies for the United States, there can be No Question as to the fact that the Constitution's Framers had sufficient motive to distrust judges, wherever they might appear, having, after all, as their good example, the case of William Penn, Founder of Pennsylvania, in his own direct encounter with them at Old Bailey Court in relation to the passing of The Conventicle Act (see Exhibit – 1670 William Penn Case, attached hereto)

11) THE OPINIONS VIOLATION. (1) Violations of Constitution occur when either a State's government or else the United States central government fail or refuse to obey the required Guarantee imposed upon them at Article IV, Section 4, wherein the Constitution's Framers required that the United States central government itself Guarantee (as Warranty) a Republican Form of Government to the people of the several States.

(2) To understand how such violations can and do occur, we must understand what the basis for a Republican Form of Government is. In studying the matter, commencing from the times of pre-U.S. Constitution England from which such government first began to be identified and pursued, we come to understand that a Republican Form of Government exists by two main elements. These elements are:

[1] That it is a Government of Laws. It is Not a Government of Policies, Personal or Singular Opinions, Beliefs, Ideas, Local Rules, Tastes, Proposals, Claims, Notions, Wishes, Whims, Desires,

Upbringings, Sentiments, Views, Practices, Theories, or Individual Thoughts, and;

[2] It Is A Government that Represents those Laws, Directly or at the most local level reasonably possible, by Direct Representation in Any Office of such Government Having a significant Control over the Execution of (Enforcement) of such Laws, whose Execution would *affect* To A Material Degree or Extent the People themselves for whom such Laws were designed to Benefit.

[3] These two foregoing elements are recognized as being the correct principles upon which a Republican Form of Government is to be based, not only by the history and the facts, *prima facie*, that evidence it as being so, such as by the Election of Full Sheriffs, senators, State house representatives, governors, and a host of other public offices requiring election in order to fulfill a Republican Form of Government; the historical certifications as to this Required Form of Government are thus so numerous, that it would be impossible to do any of them justice by listing them here; it is well and long settled that a Republican Form of Government is precisely as above stated, and not less nor more is such a Government than this.

[4] The term "Government" is not exclusive to either one branch, or two branches; the word "Government" goes to all three branches thereof, the executive, the legislative, and the judicial.

[5] When the United States central government, any branch thereof, puts its *own* government into the States, THAT form of government IS what the people of those States are being subjected to, or being made to deal with, even though in conjunction with the State's own government, without question or doubt.

[6] Any government that imposes or becomes a part of the government of the people, or citizens, of any State of the several States of the United States, *no matter what the source of that government is*, has the U.S. government's Constitutionally **Guaranteed Right** to have *that* government – – irrespective of its source or original form and even if that government is the United States itself – – relate or have to do with the People in a Republican Form of Government **ONLY**, inclusive of such government's law enforcement, and not to impose upon such State's people or citizens ANY form of law or judicial enforcement that is not representative of the required - by required Guarantee - Republican Form of Government, for any reason, to any extent or degree, for any purpose, whether short sighted or long sighted as any alleged political proposal might conceive.

[7] So far as is known, NO Officer of the United States central government – known as the director of either the Central Intelligence Agency, Internal Revenue Service federal agency, Federal Bureau of Investigation, Drug Enforcement Agency, Bureau of Alcohol, Tobacco, and Firearms, Homeland Security, Postal Service, or National Forestry

Service, or any other such alleged as legal agency of law enforcement of or for the United States – has been voted upon or elected by the citizens of the State of Arizona, or by the State of California, or by the State of New Mexico, nor by the citizens of any other State of the several States of the United States;

[8] And therefore violates, utterly, maliciously, and indisputably, the required Guarantee of the United States central government that ALL government of ALL of the several States of the United States, inclusive of all forms of law enforcement thereof, be entitled to a Republican Form of Government as the same deals with, pertains to, and has to do with their own State's citizens, which none of the federal law enforcement agencies or their officers does, as required of them at and by Article IV, Section 4 of the Constitution For The United States.

[9] The U.S. government has **UnLawfully = Illegally interjected itself,** into and among the governments and the people of the several States, inclusive of this particular case, but has not done so to any Republican Form of Government extent as demanded of it - that it Guarantee to the people of the several States for their own, local or State's governments, and therefore it, the United States, has **breached** its own **required** Guarantee, which **it** may not do, except it be a **Contempt of Constitution**, else its reasons for doing so be found as both fraudulent, as a matter of **Jurisdiction Fraud**, and treasonous to a legal degree for

reasons and evidences to be set forth in legal filings, to be connectively submitted as filed hereafter.

[10] Any time any government interfaces with the people of *any* State, **that** government **IS** "government" for **that** State's purpose, even if regarded as ipso facto or de facto, and must be made to be, instead, a Republican Form of Government only, and instantly, else the United States has **breached**, by its failure to make it so, its required **Guarantee** contained at Article IV, Section 4 of the Constitution.

[11] Therefore, It Must Arise to the level of a Conclusive Presumption that a Republican Form of Government does not provide for a system of individual judges to "Rule" the people. Article IV, Section 4 ***guarantees*** or *mandates* for the people a Republican Form of Government. The existence of "judges" as single individuals, claiming power to "Rule" in even a single event as such an individual, cries foul, placing such claim for rulership under the form of Jurisdiction that prevailed in ancient countries, such as in King Solomon's Court (see The Courts and Judges TEST), where a single man, *as though* a monarch, had the ordained Power to look into and rule over the very life of the individual accused person himself/herself, *as though* every event in such person's life constituted a continuing offense, if so determined, as a power of monarchy, not a republic of people, as guaranteed, not suggested, by the Constitution's own Article IV, Section 4, itself.

[12] To a judicial extent or degree, the laws of the alleged United States central government have **Failed** to provide for a Republican Form of Government, as the Guaranteed, NOT Suggested, form of government to be made available to the people of the State of Arizona and the other States of the Several States - to be Guaranteed or Warranted to "them" by the United States central government itself (that same central government whose UnLawful **single** opinion, individual **judges** have been inserted into the governments of the State of Arizona and the other Several States) being **abused**, *ongoing*, by these **legally revealed** unlawful procedures, originally inserted into the Several States by the **UnLawful** Judiciary Act of 1789, UnLawfully and Wrongfully Infused into the Counties and Cities of the Several States themselves - by Title 28, U.S. Code, Sections 81 through 131, enacted into **Seeded Treason** effect on January 1, 1945.

[13] In all of the foregoing, this added point concluding that a Republican Form of Government, denying the claim for either right or ability of any single person, whether by opinion, belief, policy, alleged judgment by one person – even though called "judge," to proclaim any form of "**rule**" as, in effect, a "**ruler**" (judges in ancient times were recognized as "**rulers**") as though a matter of enforcement of law, adds to the other previous points of revealed legal fact and law, to assert that judges have no place in a U.S. courtroom, or in *any* of them, wherein an impartial **Jury** is **Demanded** to **Try ALL** Crimes.

[14] Juries, **Impartial** Juries, alone, not being particularly included in the Constitution's own Article VI, Clause 3 as being bound UNDER the

same Constitution, therefore, directly representing the people themselves, being OVER the Constitution as a Republican Form of Government requires of them (also as asserted by Mr. Founder Jefferson, 1820), are the only lawful Trying Force – On **Guard** - therein, and **a judge has no Constitution[al] authorization to be in the courtroom** with them, **long existent Error for Practice and Custom to the contrary notwithstanding.**

12) QUO WARRANTO. DENYING CUSTOM OR USAGE UNDER COLOR OF LAW OR PRACTICE, DENIED AS A VALID BASIS FOR A CLAIM FOR QUO WARRANTO. FAILURE OF QUO WARRANTO IS FURTHER EXPOSED HERE:

(1) If asked, By What Constitutional (or Legal) Authority has "Trial By Judge," Whether *WITH* [Impartial] Jury or by Claim for "Bench Trial," of Any Criminal Case, There is **NONE** to be found. It is a Clear **Violation** of the Constitution for the United States itself to do this, and Always Has Been, and that makes it, Trial by Other Than impartial Jury alone, both **Illegal** and **Unlawful**, and **Contempt of Constitution**.

(2) EXCEPT This Analogy be given a Factual, Timely (but not too much time) Explanation by the "Courts" as to why the Prevailing Points Established Herein are Not So,- To An Evident and Convincing Degree, There Has Been A Grave Constitutional Violation of the People's Rights throughout the United States, for too much of its, and their, History, of Paramount Proportions. What the People themselves will do when finding out, and ***they will find out***, is anybody's guess.

(3) Furthermore, if the actual Trial were presumed to commence taking place After the aforementioned Practice of Law, *Ex Officio*, has Ended, at What Point does the Impartial Jury VIEW - not *REVIEW*, Evidence, VIEW - not *REVIEW*, Testimony given, VIEW - not *REVIEW*, Witnesses who give such Live, *VIEWABLE* Testimony, a point where those self-same Jurors have the opportunity, in some orderly and duly procedural fashion, to Question Directly *for Themselves* such Witnesses and Evidence before Them, to Try the Crime in question, *Questioning* and *Receiving Answers* to *Their* Direct Questions – as judges have done Wrongfully – in Violation of the **Rights** *of* impartial ***Juries***?

(4) Indeed, here we are describing the very form of Historical, impartial Jury commenced from the times of ancient England called an Assize (see Writ of Ponendis In Assisis" above), a Jury of generally twelve people, who reached a Verdict on their own, **without** the Existence or "Assistance" of a judge in any case, whatsoever, thereto.

(5) From these points alone, not inclusive of the other solemn and sober points afore established, and from the Finding of Facts and Conclusions of Law, established herein, it becomes, and is, Evident that the Historical, but not only the Historical, the Legal Right also *of The impartial Jury* has been Abused and Misused by *UnLawful Judicial* Intervention.

(6) This unl**awful** thing is to hereby Not Be Continued, as Proven. This is required to be a Constitutional Government, NOT a monarchy. Demanding the Enforcement of the Constitution as written is Not an affront to the legal

system upon which the United States-nation's governments are to be based; it is a Certification of its Right to Exist, Correctly, Under the Constitution itself. Thus and Therefore, Failure To Explain, nOT Claim to Justify, how judges got seated, Lawfully – not Legally, in criminal Trials By [impartial] Jury, when such was not always the case, to an Evident and Convincing Degree, is sufficient Proof, as with the Doctrine of Laches, for this Purpose.

(7) Consequently, a judge at any level has absolutely NO place in a criminal Trial proceeding whatsoever, has NO Constitution[al] Right in a criminal Trial, is not Needed in a criminal Trial; the impartial Jury, or the Jury Director and the Jurors together are the ones who lawfully Try (or Control The Proceeding involving the Trial of) the crime alleged, who have All Legal Authority to control (Try) and thereby direct (Try) the proceedings of the entire case itself.

(8) It should be further noted here that The Highest Power in Any Nation IS the Power to Try ALL Crimes. And as shown and established in and by Article III, Section 2, Clause 3, **NOTED AND SUBSEQUENTLY PROPERLY DETERMINED:** THIS **POWER**, in the Constitution, was NOT ***Placed*** into the hands of judges whatsoever, but **into the Hands of Juries**, *Exclusively*.

(9) Our thinking would not match the facts in the record if we were to conclude that the Constitution's Framers trusted such a Great Power and Responsibility into the Hands of just One person, no matter how trained and educated that person might be.

(10) Where, Then, Is the Constitutional Amendment that Changed This **Law Above Law** Requirement? IF such an Amendment exists, then it should be simple to just Name It. The Question is actually Needless, because it is indisputably known that NO such Amendment exists.

(11) At No Place in the Constitution does the Constitution provide for a Trial where a Jury, whether or not impartial, is to TRY the crime UNDER the supervision or auspices or aegis of a judge, or that is, Trial *WITH* [potentially Embraced] Jury and Not Trial *BY* [impartial] Jury only.

(12) When the power of Quo Warranto is demanded and answered, we find that judges have no claim for Constitution[al] authority upon which they may rely, to explain or justify their presence in a courtroom wherein the impartial Jury has been impaneled to Try the Crime alleged therein, NONE. Failing Quo Warranto, as has certainly been done by these facts of evidence shown, no allowance, whether under color of law, or by custom or practice, is to be allowed in this case. The Right to pursue separate injunctive relief, under the very applicable remedies provided by Title 42, U.S. Code, Section 1983, along with other procedures for Constitutional remedy at law, remains and is a reserved right of the accused in this case.

13) STANDING / LACK OF STANDING - LACK OF SUBJECT MATTER JURISDICTION FOR WRONG COURT OFFICIALS TRYING CASE IN PLACE OF, OR IN ADDITION TO, IMPARTIAL JURY, THE SAID SAME COURT HAVING NO STANDING TO TRY CASE.

(1) The fundamental principle in law requiring Standing to be established before an event, whether a judicial, an executive or administrative, or even a

legislative one, may proceed at all, is one that surpasses even the primary challenge for Lack of Subject Matter Jurisdiction, for if one has no, or lacks, Standing, one has No Right to Speak; No Right to Be Heard; *No [official] Legal Hearing Takes Place* even if Hearing is accomplished by fact, such Hearing is de facto; No Right to Be Considered as a Candidate for the legal purpose proposed, until a condition for Standing is achieved by the one for whom Lack of Standing pertains to, if ever.

(2) Where a specified condition for Standing may be seen, such condition must be satisfied before the acts that might be otherwise performed could be recognized at all.

(3) Thus, if a case before a court required that counsel be a member of a Bar association in order to proceed to represent his or her client, one who was not a member of such a Bar but who appeared before the court anyway as though in that same capacity, appearing in Fraud or Lacking Standing to do so in his/her representation of such case, would cause to be incorporated into the case, depending on how serious the requirement for true Standing was at the time of appearance, a defect that could require the whole case to be set aside, no matter the merits in the case that might have been accomplished by the one, as such, Lacking Standing.

(4) Being one of the most fundamental and irreproachable principles in law is the one that ***requires*** STANDING in order for any act, procedure, process, function, claim, or operation of any kind of law to be able to proceed or move forward to the smallest degree or extent. Any movement that is the

result from a straightforward Lack of Standing is unofficial at best, and continues as unofficial, no matter how long such Lack of Standing has existed, or under what circumstances.

(5) Thus, when the King to be coronated upon the Throne of a Country was an **imposter**, the fact that it was not caught in his lifetime, resulting in his own children, heirs of an Imposter, sitting on the Throne after him, being Imposters from an Imposter, did **not** and does not give those enthroned children Standing before the nation's people.

(6) This very much compares with the Fruit of the Poisonous Tree Doctrine, which does not uphold one act depending upon another first act which was found to be UnConstitutional. Similar to Fraud, a Lack of Standing has **no** measurable amount of time that must have gone by in order to give the **Impostership**, even if not realized at the time of receiving it, **STANDING**.

(7) Where Lack Of Standing is evident, **No Right To Speak or To Be Considered** Ab Initio, Being A Fundamental Cornerstone of STANDING – The LACK OF, in order to confirm such Lack of Standing, it is procedurally correct and necessary to allow "he" or "she" being so challenged the Opportunity *and* Necessity to Speak – Once Only — *Unless by such Once speaking it shall be Confirmed in all things contrary to the Challenge For Standing* — under the legal principle of Qui Tacet, Consentire Videtur, Ubi Tractatur De Ejus Commodo (**He[/She] who is silent is considered as assenting** [to the matter in question] **when his[/her] interest is as stake**), the

same as would be so if a king or queen was challenged for being an imposter to the crown, for the purpose of giving the same court a chance to defend his/her position, but denying that position altogether once such opportunity to Once speak failed to produce the necessary results to Prove STANDING, exhibiting a Lack Of Standing and a **Culpable Defect** of **Judicial Office** thereafter in its stead, Prohibiting and Denying evermore the Right to Speak, the Right to Be Heard, to Cause to Be AS - *No Hearing Was Done*, and, *No Right To Be Considered* Ab Initio, or, From The Beginning, and Thereafter.

(8) Qui Tacet, Consentire Videtur, Ubi Tractatur De Ejus Commodo is Extended to this "Instant" Court by Right to Challenge the Same for STANDING as a Correctly Constructed Court **under** the **Constitution** for the United States to which the same is, by the Oath Shown to be Taken and On Record, Bound To, ***To Show Cause***, If Cause There Be That The Same Be Shown, As To Why The Same Court's STANDING Is Not FAILED Altogether, And There Be A Constitution[al] Mandate Arising From Within The Same, The Same Being As With A Legal *Force Vis Major* To Cease Forthwith All Supervisory or Presiding Practices In Conjunction With Any Jury, Whether Currently Impaneled or To Be Impaneled Hereafter, As The Same Judicial Officer Is Honor-Bound By The Oath So Taken, To Be Upheld, And To Faithfully Demean The Same And The Office Thereof In The Exigent Duty For Transition From An Unlawfully Held Judicial Court To A Lawfully Held Juris-Court, Accepting The Application of the Doctrine of Laches - Qui Tacet, Consentire Videtur, Ubi Tractatur De Ejus Commodo, Accordingly.

(9) AND WHEREAS, In The Event that it shall be determined, Qui Tacet, Consentire Videtur, Ubi Tractatur De Ejus Commodo, that this court lacks standing by way of improper construction of the said court, where the impartial Jury is to be designated to take control of the court and the judge thereof be dismissed from those particular duties (which shall not be construed to terminate any judicial employment for any other lawful duty thereof during time of tenure of office), the court, having a constructive knowledge of these things, is invoked and empowered with the Brother's Keeper Rule to inform the other judges of this alleged United States district as to the Constitution[al] obligations of same, that they might join this court in its support of the Constitution for the United States itself, there being nothing that remains except "to execute the will of those who made it."

XXXXV. It is Therefore and in Subsequence to these Exigent Matters, Hereby Demanded That in Pursuance to the Constitution of the United States, in *Strict Compliance* to the U.S. Constitution, a Trial By **impartial** Jury be Scheduled or Calendared by the Clerk of the Court, in Conjunction with the Maricopa County Sheriff's Voir Dire and Impanelment of a Jury or Assize, at the Earliest Date as shall be Expedient for the Court, and that Demandant Janice Sue Taylor, alleged as Defendant, be Duly Noticed as to Same, and Furthermore, there being No Precedent, Duly Established, under the proposed Constitution of the United States as to certain matters pertaining to this Case;

XXXXVI. These Findings of Fact and Conclusions of Law set forth herein being a matter of Case of First Impression, there being No Establishment of a Stare Decisis wherein this Evidence and Reasoning has been examined for correctness and error of fact, or not, that it

be so that Demandant Janice Sue Taylor, the Accused, alleged as Defendant, be provided the opportunity by Right, not by privilege or anything alleged as waivable by same, to Petition the Maricopa County Sheriff's Office for **Notice of Writ of Ponendis In Assisis** for the purpose of having the elected sheriff commence the Voir Dire of the impartial Jury for the Date for which the Court's Clerk shall docket the same;

XXXXVII. And to provide to the selfsame Maricopa County Sheriff the Accused's proposal for the applicable impartial Jury Instructions thereto, and that such impartial Jury Instructions *Most Applicable* under the Open (to the Public at Large) definition of the Process or Procedure of a Trial By **impartial** Jury (not Hearing) prevailing, the same so prevailing to be used by the impartial Jury for the Duration of the Trial of the same case to be Docketed before it.

XXXXVIII. That the **impartial** Jury might Try (or control) the case with Exclusivity *as Demanded of Them by the United States Constitution,* as has been illustrated by the now De Jure, foregoing Finding of Facts and Conclusions of Law,

XXXXIX. And that in order to prevent **Impartial Jury Tampering** or *Undue Influence* or even the Scantiest Possibility of **Embracery** of a Duly Established impartial Jury, that it might have full ability to "Guard against [even the Potential for] Corrupt Judges," a condition of which the impartial has every inherent and Constitutional Right to enjoy, as well as a condition for which there might be no adequate remedy at law, there be no judge seated or present in any capacity in the courtroom, even under color of law or custom or practice or usage, during the said Mandatory, and not privilege, for Trial by **impartial** Jury, accordingly.

L. This legal revelation *or* discovery of Supreme Law is to be incorporated into the Records of the "United States," and of Each of Them, to set this Record in Order, except it can be properly determined and demonstrated, visibly before the people, as to why it should not be so other than merely being based upon a desire to continue a faulty judicial practice that would constitute a Contempt of Constitution otherwise, pursuable under the Constitution's own inset, not-amended away, Constitution[al] Crime, established clearly at Article I, Section 6, Clause 1, "**Breach** of the Peace," (Not "disturbing"), NOT Confirmed thereby as being a misdemeanor, but including any criminal form, such as a people's **Contempt of Constitution**, for all lawful and just prosecutorial purposes, Just As Such.

LI. This Filing sets forth new, Case of First Impression, No Stare Decisis, Facts, Conclusions and Points of Legal Reasoning in Pure Jurisprudence, and Law which go to the heart of the court system itself, bearing in mind that the principle that says … *that* just because a particular action or activity or custom or practice may have been practiced or performed or engaged in - In Error - a certain way for any number of years and "Gotten Away With," or was not, for **many**, **many** years, brought to proper light by any true and competent person, to the same extent that it was at one time a matter of law and practice that in the city of Montgomery, Alabama, **Black** People had to ride at the back of the bus as subservient and as though "as inferiors" to white people – Constitutes, and Constituted, a Grave Wrong – by the judicial system itself which upheld the same – against the People, both Black and White.

LII. Therefore, such heinous Practice as having been upheld by both State and "federal" courts for any prior period of time, is not factual or legal grounds for any decision or judgment contrary to the findings of fact and conclusions of law, except the same can be

factually demonstrated otherwise, as is now set forth in this case, and as *a* matter of Required Law, May Not Be Allowed by any court, judicial proceeding, or State court or court of the United States, or either of them.

LIII. Demandant Janice Sue Taylor hereby stipulates that the court move to set forward in motion, the Right to a Non-Speedy Trial (not to be set aside by an alleged claim of a right of trial by pre-trial), not being hereby waived, the Trial to also to be made public, that the public might be made openly aware of these issues, All Of Them, involved in this case, that Right also not having been waived, all necessary procedures whereby the aforesaid litigant is to have a Trial by **impartial** Jury as Demanded by the Constitution of the United States, and as is further demanded by litigant, Janice Sue Taylor, in support of the aforesaid Constitution, that such impartial Jury be Instructed - separately from such instructions of information as pertains to the law(s) allegedly broken by the Accused as charged - that the Trial is to be held under the principles of Common Law (or "the Law of the Commoners" as was evolved originally from England), both express law and the Common Law, and that the impartial Jury alone, as Correctly and Duly Impaneled, is to Try said case.

LIV. To avoid an Appearance of Impropriety, Unlawfulness, **Jurisdiction Fraud**, and concerns for possible **Misprision of Treason**, a crime at the Common Law as well as under Title 18, U.S. Code, Section 2382, in this matter, ALL officials, employees, agents, and other actors, of all three branches of the United States, whether or not of America, ARE to follow the simple process below, whereby they may prove, that they are not, and have not been, made *unwitting* participants to the said Frauds of **Jurisdiction Fraud**, and other infamous and critically grave acts, in violation of the laws, and the Constitution of the United States, or either of them. Any other thing not so complied with as provided below

will be returned through the United States Mails from whence it came through, Unopened, Unread, CERTIFYING the Very **JURISDICTION FRAUD**, and Lack or FAILURE of STANDING, that the alleged United States central government is charged with here.

Janice Sue Taylor
3341 Arianna Court
Gilbert, AZ 85298

JUST
CUT > AND
PASTE >
On Envelope

Legal Address. Commencing, in suf. det., at w 1/4 corner of section 26, T.2S.-R.6E., G & SRB & M, thence S. 0° 07' 22" W. to 332.12 ft. to SW corner of section 26, thence bearing 0° S. 7' 22" W. from SW. corner of section 26, 332.12 ft. distant therefrom, thence southerly of N. Section 26 – 858.78 ft to the True Point of the Beginning, continuing thence 164.91 ft. to SE corner, thence 164.91 ft. to SW corner, to True Point of the Beginning; organic city of Gilbert, organic county of Maricopa, organic State of Arizona; —not owned or possessed by the United States of America; —not a post Road; —not on a post Road; —not in a U.S. district.

NOTICE: Do not mind the small letters size that you see. If the above Legal Address is On the envelope, responding demandant WILL accept, open, and read it. Just cut out and paste the above Legal Address below the popular address above it, and it will be gladly accepted by responding demandant.

No need to waste gasoline and time by not using the U.S. mail, or postal service.

LV. This Filing Constitutes a **Demand To Take Judicial Notice / Notice of Right For Separate Pursuit Of Action For Civil Violation Under Color Of Law / Notice Of Demand For Trial By Impartial Jury & Stay Of Proceedings Pending Challenge For Lack Of Constructive Subject Matter Jurisdiction *Arising* From Unlawful Structure Of Court**.

WARRANTED. A Constitution's Trial BY impartial *Jury* Only, To Be Non-Speedily And Publicly Held, Both Lawfully And Legally, Is, By This Case Of First Impression, No Stare Decisis, Filing, Hereby Demanded.

This above titled Contravenement annexes and incorporates the "**Warranted: Fundamental Setting Aside And Vacating Of Arraignment For Judicial Fraud**" Contravenement herein this Contravenement by this reference.

RESPECTFULLY AND OBJECTIVELY SUBMITTED, AS OF THE DATE BELOW CERTIFIED TO.

VERIFICATION

STATE OF ARIZONA)
: SS
COUNTY OF MARICOPA)

I, **Janice Sue Taylor**, having read the foregoing **Demand To Take Judicial Notice** / Notice of Right For Separate Pursuit Of Action For Civil Violation Under Color Of Law / **Notice Of Demand For Trial By Impartial Jury** & Stay Of Proceedings Pending Challenge For **Lack Of STANDING** In Conjunction With Constructive **Subject Matter Jurisdiction *Arising* From Unlawful Structure Of Court**, and understanding fully the contents thereof, and being duly sworn hereby deposes and swears that the information made contained therein she knows to be true of her own knowledge.

Subscribed and sworn this 23rd day of August, 2010 A.D.

UNDER PENALTY OF PERJURY

Janice Sue Taylor

NOTARY PUBLIC'S VERIFICATION

Personally appeared before me, a Notary Public, was **Janice Sue Taylor**, who stated that she had read the foregoing Affidavit, and stated that the foregoing is true as to her own knowledge, and that she voluntarily affixed her signature above.

Dated this 23rd day of August, 2010 AD.

Official Seal
NOTARY PUBLIC
STATE OF ARIZONA
County of Pinal
ISELA C. TOVAR
My Commission Expires June 15, 2014

Notary Public

CERTIFICATE OF SERVICE

I, **Janice Sue Taylor**, hereby declare and state that I have filed a true and correct copy of the above document with the Clerk of the Court for the [Alleged] United States District Court For The [Alleged] District Of Arizona, said [Alleged] Court Appearing And Existing [Supposedly] As A Possession Of Its Own And NOT Lawfully Existing In The Legal or Organic County of Maricopa, Legal or Organic [Proposed] State of Arizona, and have mailed a copy hereof, postage prepaid thereon, to the Alleged U.S. Attorney's Office and the Maricopa County Sheriff's Office at the following addresses set forth below.

Frank T. Galati
James Richard Knapp,
Office of the Alleged U.S. Attorney
40 N. Central Ave. # 1200
Phoenix, Arizona near 85004

Joe Arpaio, Sheriff
Maricopa County Sheriff's Department
100 West Washington
Phoenix, Arizona 85003

RESPONSE TO THIS EXHIBITED COMPLAINT IS REQUIRED - *Qui Tacet, Consentire Videtur, Ubi Tractatur De Ejus Commodo* **(He[She] who is silent is considered as assenting** [*to the matter in question*] **when his[/her] interest is as stake.)**

Popular Address,
For Use For Postal Service Mailing:
Janice Sue Taylor
3341 Arianna Court
Gilbert, AZ 85298

JUST CUT > AND GLUE > To Envelope

Legal Address. Commencing, in suf. det., at w 1/4 corner of section 26, T.2S.-R.6E., G & SRB & M, thence S. 0° 07' 22" W. to 332.12 ft. to SW corner of section 26, thence bearing 0° S. 7' 22" W. from SW. corner of section 26, 332.12 ft. distant therefrom, thence southerly of N. Section 26 – 858.78 ft to the True Point of the Beginning, continuing thence 164.91 ft. to SE corner, thence 164.91 ft. to SW corner, to True Point of the Beginning; organic city of Gilbert, organic county of Maricopa, organic State of Arizona; —not owned or possessed by the United States of America; —not a post Road; —not on a post Road; —not in a U.S. district.

Legal Notice. Do not mind the small letters size for the Legal Address that you see. All Articles – Sent By U.S. Mail – Are To be **Opened** And Read **Only** When Accompanied By Label Size (small size) "**Legal Address**" From First Page (Shown Above) Displayed On Envelope - **Below** Popular Address. Otherwise, Where Legal Address Is Not Present, Article Sent Will Be Returned **Unopened**.

No need to waste gasoline and time by not using the U.S. mail, or postal service.

Dated this 23rd day of August, 2010 A.D.

Janice Sue Taylor

Exhibit

1670 William Penn Case

THE HISTORICAL CASE OF WILLIAM PENN FOUNDER OF THE STATE OF COMMONWEALTH OF PENNSYLVANIA, OF THE UNITED STATES OF AMERICA

A review of the historical case of William Penn, Founder of Pennsylvania, by which case there existed an underlying motive as to why the Constitution's Framers desired to place into the hands of Juries, and not judges at all, the Highest form of Power in any country; the Power to Try (control the process or proceedings of) ALL Crimes (not civil cases).

NOTE that in the Exhibit of the earlier practice of law in the courts of England below, the Juries were required by the law to determine the law itself, not just the facts. This goes to a monumental discovery to show the right to the Power by Juries to control absolutely all details and phases of the Trial itself, just as is set forth in Article III, Section 2, Clause 3 of the Constitution. The right of the Jury to do so is also substantiated by Article VI, Clause 3 of the Constitution in that all officials of the United States, both State and United States, were required to be bound by oath or affirmation to support (which means to be under, lifting upward) the Constitution, *except* that Juries – not being officials of any State or of the United States, not being considered to be "judicial officers," are not so required to swear an oath or affirmation as all others – be over the Law of the Constitution in any Case coming before them, current errant, practices of requiring, whether or not as a part of voir dire, that a jury be sworn to the Constitution as though they were to be UNDER the Constitution the same as all said others are to be Under it, notwithstanding.

The 1670 Case of William Penn was held at a time when England's Common Law demanded that the good citizens thereof, though commoners, be held accountable for their review and rendering of the meaning of the law itself, and not just the facts of the case only. Judges, being among the nobles of England as a part of its gentry, were above this responsibility, enforcing the law itself by ordering juries to do the job of interpreting the laws applicable in each case before them that the practice of law at the time demanded of them.

The Historical Case Analysis contained in this Exhibit is given by the Distinguished Law Professor in his work established as:

THE INTRIGUING DOCTRINE OF JURY NULLIFICATION
by Julius Mark,
Distinguished Research Professor of Law,
St. John's University; Professor of Law Emeritus, New York University

In the context of the jury's right to try crimes, "the Seventeenth Century trial of William Penn, founder of Pennsylvania, and Bushell's Case which arose from it, played a dramatically inspiring role.

Prior to Penn's trial, judges could require juries in criminal trials to render a verdict not only on the facts in issue, but as well, on the applicable law.

Judges used many methods to force a jury to do as they charged. A jury could be locked up, without water, food, heat, tobacco, or light, until it returned a unanimous verdict or one the judge directed. Judges could also levy a fine against members of the jury if they brought in a contrary or "corrupt" verdict and even impose imprisonment until the fine was paid.

Penn was placed on trial in the Old Bailey Court in 1670 for the crime of "tumultuous assembly," because he preached a sermon in Grace Church Street in violation of the "Conventicle Act" which prohibited any meeting for worship other than those of the Church of England. The Court ordered the jury to find Penn guilty, for if they found the Quakers had met at all, the very meeting by itself was unlawful. The jury, however, found that the meeting had taken place, but refused to find the law had been violated.

Penn, at the time, was only 26 years old, and had to conduct his own defense, as accused persons in criminal cases in those days were not allowed counsel to represent them.

The trial is a dramatic example of the cavalier methods used by judges at the time. The jury consisted of twelve ordinary middle-class men selected at random from the jury rolls of the City of London. The ten judges who heard the case included the Lord Mayor, the Recorder (a Magistrate), and other representatives of government who were motivated to enforce the "Conventicle Act."

As we read the transcript of the trial (which Penn published in 1670 as the Peoples Ancient and Just Liberties, Asserted in the Trial of William Penn and William Mead. . . . Against The Most Arbitrary Procedure Of That Court.), Penn's logic and legal acumen must be admired. He baited the judges so skillfully on the role of the Common law, that they in turn tired to heckle and bully him. Finally, completely frustrated, they ordered that he be locked up in the bale dock. The bale dock was a locked cage, recessed below the floor level, located at the very end of the courtroom. There he could be heard but not seen by the jury.

When the jury returned a verdict of "guilty of speaking in Grace Church Street," the Lord Mayor shouted out, "was it not an unlawful assembly? You mean he was speaking to a tumult of people there?" The jury refused to so find.

The Recorder then angrily responded "Gentlemen, you shall not be dismissed till you bring in a verdict which the court will accept. You shall be locked up, without meat, drink, fire and tobacco. You shall not think thus to abuse the court. We will have a verdict by the help of God or you shall starve for it."

Penn objected: "My jury, who are my judges, ought not to be thus menaced. Their verdict should be free-not forced. The agreement of twelve men is a verdict in law. . . and if, after this, the jury brings in another verdict, contrary to this, I affirm they are perjured men."

At this point while Penn was still talking, the soldiers started to push the jury back to the juryroom and then occurred one of the most inspiring incidents in the annals of English jurisprudence.

Penn called out: "Ye are Englishmen, mind your privilege, give not away your right."

And the jury replied., "Nor will we ever do it."

The jury was kept for two days and nights, without food, water, and heat, but refused to change its verdict. Finally the court ended the trial abruptly, fining each juror forty marks and committing them to imprisonment until they paid their fines.

Bushell, the foreman, and the other jurors obtained a writ of habeas corpus from the Court of Common Pleas. Releasing them from their imprisonment, Chief Justice Sir John Vaughan held" . . for if it be demanded what is the fact? The judge cannot answer it: if it be asked, what is the law in this case, the jury cannot answer it." Although the judgment was later reversed on appeal because the Court of Common Pleas did not have jurisdiction in criminal matters, Bushell's Case established the right of trial juries to decide cases according to their convictions.

The above exhibited material written by Julius Mark,
Distinguished Research Professor of Law,
St. John's University; Professor of Law Emeritus, New York University

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