

**NEW YORK SUPREME COURT, GREENE COUNTY**

Unified New York Common Law Grand Jury: [UNYCLGJ]

**TRIBUNAL**

-a-

Holly Tanner, Richard Mabee, Jonathan Lippman,  
Fern A. Fisher, Lawrence K. Marks, C. Randall Hinrichs,  
Allan, D Scheinkman, Charles M. Tailleur, Terry Wilhelm,  
Raymond J. Elliott, Terence L Kindlon, Michelle Carrol,  
Carol Stevens, Barry Kamins, Ronald Younkins,  
A. Gail Prudenti, Michael V. Coccoma,

**DEFENDANTS**

**CASE (index) # 14-0384**

**NOTICE OF REMOVAL  
TO UNITED STATES  
DISTRICT COURT  
FOR CAUSE**

**NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT FOR CAUSE<sup>1</sup>**

**COMES NOW** New York Unified Common Law Grand Jury, hereinafter the Tribunal<sup>2</sup>, under Article III §2 whereas the judicial power shall extend to all cases, in law arising under the Constitution and Article IV §4 whereas the United States shall guarantee to every state in this union a Republican form of government, and shall protect each of them against invasion of rights. The jurisdiction being the SUPREME LAW OF THE LAND under Article VI Clause 2.

Notice is hereby given to the court and all interested parties that case #14-0384 in the New York Supreme Court, Greene County, is removed to the United States District Court for the Northern District of New York for cause.

<sup>1</sup> **FOR CAUSE.** Means for reasons which law and public policy recognize as sufficient warrant for removal and such cause is "legal cause" and not merely a cause which the appointing power in the exercise of discretion may deem sufficient. State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d 995, 998, 99 A.L.R. 321.

<sup>2</sup> **A COURT OF RECORD** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial". [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689].

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

**CASE NO. \_\_\_\_\_**

Unified New York Common Law Grand Jury: [UNYCLGJ]

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A. Gail Prudenti, Michael V. Coccoma,

**DEFENDANTS**

**§ SUMMONS**

**RE: NEW YORK SUPERIOR COURT COUNTY OF GREENE; CASE NO. 140384**

**YOU ARE HEREBY SUMMONED** and required to answer the UNYCLGJ, through this summons **IN PERSON**, on the 2<sup>nd</sup> day of June, 2014, at 9:30 AM; at the James T. Foley Courthouse; Suite 509; 445 Broadway; Albany, NY 12207.

This is an Extraordinary Special Procedure to answer Writ Quo Warranto, demanding that the Peoples' stewards give account of their stewardship, therefore **NO** motions will be considered.

**APPEARANCES ARE DEMANDED**, failure to appear constitutes contempt. As a government servant you have a duty to answer. "Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading.

This is a common Law procedure executed *Coram Nobis*, the Magistrate has "NO" authority to approve requests for time extensions or postpone said summons, Grand Jurist will be laying aside all business and will be traveling from across the state, likewise is expected of the accused.

Unified New York Common Law Grand Jury  
Tribunal  
PO Box 59;  
Valhalla, New York 10595

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

James T. Foley Courthouse; Suite 509;  
445 Broadway; Albany, NY 12207

**CASE NO. \_\_\_\_\_**  
**RE: NEW YORK SUPERIOR COURT**  
**COUNTY OF GREENE**  
**CASE NO. 140384**

Unified New York Common Law Grand Jury: [UNYCLGJ]

**TRIBUNAL**

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Holly Tanner, Richard Mabee, Jonathan Lippman, Fern A. Fisher, Lawrence K. Marks,  
C. Randall Hinrichs, Allan, D Scheinkman, Charles M. Tailleux, Terry Wilhelm,  
Raymond J. Elliott, Terence L Kindlon, Michelle Carrol, Carol Stevens  
Barry Kamins, Ronald Younkens, A. Gail Prudenti, Michael V. Cocomma,

**DEFENDANTS**

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C. Randall Hinrichs  
Suffolk County Administrative Judge  
400 Carleton Avenue  
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(631) 853-5368

## BILL OF INFORMATION<sup>1</sup>

New York Unified Common Law Grand Jury, hereinafter the tribunal<sup>2</sup>, on behalf of the People<sup>3</sup>, by this sealed instrument<sup>4</sup> in this court of record<sup>5</sup>, proceeding according to common law<sup>6</sup>, come against the STATE OF NEW YORK SUPREME COURT charging Holly Tanner<sup>7</sup>, Richard Mabee<sup>8</sup>, Jonathan Lippman<sup>9</sup>, Fern A. Fisher<sup>10</sup>, Lawrence K. Marks<sup>11</sup>, Barry Kamins<sup>12</sup>, Ronald Younkins<sup>13</sup>, A. Gail Prudenti<sup>14</sup>, Michael V. Coccoma<sup>15</sup>, C. Randall Hinrichs<sup>16</sup>, Allan, D Scheinkman<sup>17</sup>, Charles M. Tailleur<sup>18</sup>, Terry Wilhelm<sup>19</sup>, Raymond J. Elliott<sup>20</sup>, Terence L

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<sup>1</sup> **BILL OF INFORMATION.** Where a suit is instituted on behalf of those of whom it has the custody by virtue of its prerogative, or whose rights are under its particular protection, the matter of complaint is offered to the court by way of information. The proceeding is by information and bill. Informations differ from bills in little more than name and form, and the same rules are substantially applicable to both. 3 Bl.Comm. 261.

<sup>2</sup> **A COURT OF RECORD** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial". [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689].

<sup>3</sup> **PEOPLE.** People are supreme, not the state. [Waring vs. the Mayor of Savannah, 60 Georgiaat 93]; The state cannot diminish rights of the people. [Hertado v. California, 100 US 516]; Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...; ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472]: The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7].

<sup>4</sup> **SEALED INSTRUMENT.** An instrument of writing to which the party signed under seal, instrument must contain recital to effect that it is given under seal. Marshall v. Walker, 50 Ga.App. 551, 178 S.E. 760.

<sup>5</sup> **NY CONSTITUTION ARTICLE VI.B.** ... the supreme court ... shall be courts of record.; "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial". [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689].

<sup>6</sup> **COMMON LAW** - As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. [1 Kent, Comm. 492. Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.];

<sup>7</sup> Columbia County Clerk

<sup>8</sup> Columbia County, Supreme Court Clerk

<sup>9</sup> Executive Officer Chief Judge

<sup>10</sup> Executive Officer Deputy Chief Administrative Judge within NYC

<sup>11</sup> Executive Officer First Deputy Chief Administrative Judge

<sup>12</sup> Executive Officer Chief of Policy & Planning

<sup>13</sup> Executive Officer Executive Director

<sup>14</sup> Executive Officer Chief Administrative Judge

<sup>15</sup> Executive Officer Deputy Chief Administrative Judge outside NYC

<sup>16</sup> District Administrative Judge for Suffolk County

<sup>17</sup> Administrative Judge for the Ninth Judicial District

Kindlon<sup>21</sup>, Michelle Carrol<sup>22</sup>, and Carol Stevens<sup>23</sup>, hereinafter conspirators; for RICO, neglect to prevent<sup>24</sup>, conspiracy, felony rescue and additional charges; see True Bills, exhibits A through I and Quo Warranto.

This special proceeding was filed in two New York County Supreme Courts, Columbia and Greene, by the tribunal<sup>25</sup> in order to enter this Bill of Information into the judicial record for the prosecution of true bills, the unalienable right and duty of the People, which evolved because the conspirators exceeded their jurisdiction when they blocked the people from accessing the court, abusing their powers by ordering all county and court clerks not to file common law grand jury documents throughout New York State thereby intimidating said clerks to violate 18 USC §2076 and 18 USC §2071, and violating their oaths of office to file,

The results of this rampant unlawful exploits throughout the New York Supreme Court judicial process, orchestrated by the New York Executive Administrative Judges, the said true bills were unlawfully removed and concealed from the court files.

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<sup>18</sup> Green County Supreme Court Judge

<sup>19</sup> Green County Supreme Court Judge

<sup>20</sup> Rensselaer County Supreme Court Judge

<sup>21</sup> Attorney

<sup>22</sup> Green County Supreme Court Clerk

<sup>23</sup> Greene County Attorney

<sup>24</sup> **42 USC §1986 - Action for neglect to prevent** - Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

<sup>25</sup> **NEW YORK STATE CONSTITUTION ARTICLE VI** ... As of right, from a judgment or order of a Court of Record of original jurisdiction which finally determines an action or special proceeding where the only question involved on the appeal is the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States; and on any such appeal only the constitutional question shall be considered and determined by the court.

Therefore in order to file the true bills and access into the Peoples` courts and work form within the courthouse under the auspices of justice<sup>26</sup> the tribunal took an extraordinary action at law and filed by index number and RJI, see Memorandum of Authorities.

Two days after the tribunal filed the judicial documents in Columbia County using an index number and RJI the documents were removed from the files and deposited with the United States Postal Service. After reporting the crimes to Judge Mott, through his gatekeeper law clerk, the Columbia County Sheriff and Prosecutor to no avail. The tribunal then filed the said documents in Greene County, again by index number and RJI. Although the original filing now remains in the court record; Judge Elliott within two days opened a nisi prius court and without a hearing, without due process, without any opposing papers, via a secret meeting with Terence L Kindlon Esq made a [see] decision and order to dismiss the common law action for no cause of action, after being warned by a [see] writ of prohibition not to exercise any such tribunal powers. Judge Elliott thereby violated his oath of office by exceeding his jurisdiction, see Memorandum Law of the Case.

Judge Elliott and county attorney Carol Stevens then returned all responding papers and blocked the refilling of the same. And for these reason this special proceeding has been moved to the United States District Court for immediate enforcement and writ of mandamus in order to restore the Republican form of government in New York State, as is this courts duty<sup>27</sup>, for if it has failed in the New York Judicial realm it has surly failed in the political also.

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<sup>26</sup> "the grand jury normally operates, of course, in the courthouse and under judicial auspices" UNITED STATES v. WILLIAMS, No. 90-1972.112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352

<sup>27</sup> Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

Motions for summary proceeding<sup>28</sup> are unlawful in all common law proceedings and therefore will not be entertained, the tribunals decisions for the filing of said true bills are final and are not to be second guessed<sup>29</sup> by any inferior court. By the law of the land the defendants of said true bill must go to trial by jury, see Memorandum King's Bench.

## JURISDICTION

The "Law of the Land<sup>30</sup>" is "Common Law<sup>31</sup>" the judicial power of the United States extend to all cases, in law and equity, arising under the Constitution and the laws of the United States. The United States became a party to this controversy when the Executive Judges of the Unified New York Supreme Court violated their oaths, exceeded their jurisdiction, acting under color of law, in one accord conspired with others and have succeeded in the exclusion of the People from their courts thereby causing a total collapse of the New York Supreme Court judicial system. Wherein the conspirators only formal response was "*The [New York] Legislature manifested a clear intent to supplant whatever common law powers the Grand Jury may have had*", see letter, exhibit J dated 9-26-13, and Memorandum Law and Jurisdiction.

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<sup>28</sup> **SUMMARY PROCEEDING.** [Blacks 4th] Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law. In procedure, proceedings are said to be summary 'when they are short and simple in comparison with regular proceedings; e., in comparison with the proceedings which alone would have been applicable, either in the same or analogous cases, if summary proceedings had not been available. Sweet. [Blacks, and see Phillips v. Phillips, 8 N.J.L. 122.]

<sup>29</sup> The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. "The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." [Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)].

<sup>30</sup> "**LAW OF THE LAND**," "due course of law," and "due process of law" are synonymous. People v. Skinner, Cal., 110 P.2d 41, 45; State v. Rossi, 71 R.I. 284, 43 A.2d 323, 326; Direct Plumbing Supply Co. v. City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; Stoner v. Higginson, 316 Pa. 481, 175 A. 527, 531.; "The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)].

<sup>31</sup> **THE COMMON LAW** is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law", [Self v. Rhay, 61 Wn (2d) 261]



The conspirators' claim, in the aforementioned letter, embracing the misguided conclusion that servant legislators have overruled the sovereigns' ordained will, expressed in the Supremacy Clause, demonstrates the conspirators' ignorance of the law and confession of treason.

UNITED STATES CONSTITUTION ARTICLE VI SECTION *"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."*

The conspirators exceeded their jurisdiction and acting under color of law committed lawless violence<sup>32</sup> against the "Law of the Land" and therefore the People of New York, by denying the People their unalienable right of government by consent of the People through trial by jury, protected under the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Amendments, the Holy Grail of Liberty, without which there can be no Liberty. It is a constitutional guarantee and therefore a duty of the United States Government to provide remedy through mandamus and enforcement.

UNITED STATES CONSTITUTION PREAMBLE *"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America";*

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<sup>32</sup> **LAWLESS VIOLENCE.** "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." -- Ableman v. Booth, 21 Howard 506 (1859)

Therefore the principle purpose and duty of the United States is the prime directive, that being to “Secure a Republican Form of Government<sup>33</sup>”, which is the “sovereign powers of the People”.

UNITED STATES CONSTITUTION ARTICLE III SECTION 2. “*The judicial power shall extend to all cases, in law<sup>34</sup> and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; ... -- to controversies to which the United States shall be a party;*”

The People of New York have unalienable rights, protected by the UNITED STATES CONSTITUTION ARTICLE IV SECTION 4. The United States shall guarantee to every state in this union a republican<sup>35</sup> form of government, and shall protect each of them against invasion<sup>36</sup>; Such an encroachment (invasion) upon the rights of the People are evident by this Bill of Information. Therefore without obedience to the Law of the Land by New York Supreme Court Judges there no longer exists a Republican form of government in New York. This creates an emergency that only the People with the aid of mandamus and enforcement by this Article III Common Law court can restore.

Article III Section 1. “*THE JUDICIAL POWER OF THE UNITED STATES, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges ... shall hold their offices during good behavior*”<sup>37</sup>.

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<sup>33</sup> **REPUBLICAN GOVERNMENT.** [Blacks 4<sup>th</sup>] One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. Black, Const. Law (3d Ed.) 309; In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 21 Wall. 175, 22 L.Ed. 627.

<sup>34</sup> **LAW.** [Blacks 4<sup>th</sup>] That which is laid down, ordained, or established. A rule or method according to which phenomena or actions co-exist or follow each other. That which must be obeyed and followed by citizens, subject to sanctions or legal consequences, is a "law." Koenig v. Flynn, 258 N.Y. 292, 179 N.E. 705.; **ALL CASES AT LAW.** Within constitutional guaranty of jury trial, refers to common law actions as distinguished from causes in equity and certain other proceedings. Breimhorst v. Beckman, 227 Minn. 409, 35 N.W.2d 719, 734.

<sup>35</sup> **REPUBLICAN GOVERNMENT.** One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. Black, Const. Law (3d Ed.) 309; In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 21 Wall. 175, 22 L.Ed. 627.

<sup>36</sup> **INVASION.** [Blacks 4<sup>th</sup>] An encroachment upon the rights of another; See /Etna Ins. Co. v. Boon, 95 U.S. 129, 24 L.Ed. 395.

<sup>37</sup> **GOOD BEHAVIOR.** Blacks 4<sup>th</sup> "The term "good behavior" means conduct that is authorized by law. State v. Hardin, 183 N.C. 815, 112 S.E. 593, 594.; Orderly and lawful conduct.

## GENERAL FACTS FOR THE TRUE BILL RECORD

- 1) On or about September 25, 2013, FBI sent by the New York Supreme Court to investigate the people in Suffolk County as potential terrorists for exercising their unalienable right as jurist, FBI concluded no findings.
- 2) On September 26, 2013, The State of New York Unified Court System sent a statewide conspiratorial blockade in the form of a directive from Executive Administrative Judge A. Gail Prudenti acting under color of law, exceeded her jurisdiction violating 18 U.S. Code §1512 when she ordered/intimidated all court and county clerks to violate 18 USC §2076 and 18 USC §2071 by rejecting the filing of all common law grand jury documents. Claiming the New York Legislature supplanted whatever common law powers the grand jury may have possessed, thereby denying the peoples' unalienable right, protected under the 5<sup>th</sup> Amendment<sup>38</sup> to perform as consentors<sup>39</sup> for their government. see letter exhibit J
- 3) On September 27<sup>th</sup> 2013 Schenectady Court Clerk wrote, Chief Administrative Judge A Gail Prudenti has instructed this office not to accept instruments attempting to establish common law juries; see letter exhibit K
- 4) On or about September 29, 2013, FBI sent by the New York Supreme Court again to investigate the people in the Bronx as potential terrorists for exercising their unalienable right as jurist, FBI concluded no findings.

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<sup>38</sup> The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands ... we have insisted that the grand jury remain "free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it. [United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973)]. Recognizing this tradition of independence, we have said that the Fifth Amendment's constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge' [Id., at 16, 93 S.Ct., at 773 (quoting Stirone, supra, 361 U.S., at 218, 80 S.Ct., at 273)]. UNITED STATES v. WILLIAMS 112 S.Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

<sup>39</sup> **DECLARATION OF INDEPENDENCE** We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.-- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,

- 5) On October 2<sup>nd</sup> 2013, Putnam County Clerk wrote, Chief Administrative Judge A Gail Prudenti has instructed this office not to accept instruments attempting to establish common law juries; see letter, exhibit L
- 6) On or about October 7, 2013, FBI sent by the New York Supreme Court a third time to investigate the people in Orange County as potential terrorists for exercising their unalienable right as jurist, FBI concluded no findings.
- 7) On October 8<sup>th</sup> 2013, Putnam County Clerk wrote, Chief Administrative Judge A Gail Prudenti has instructed this office acting in their capacity as clerks to reject documents attempting to establish common law juries; see letter, exhibit M
- 8) On February 24, 2014, Warren County Supreme Court wrote, Chief Administrative Judge A Gail Prudenti has instructed all court and county clerks acting in their capacity as clerks to reject the filing of documents that attempt to establish common law juries; see letter exhibit N
- 9) The tribunal filed the following documents with the Greene County clerk and conspirators failed to file<sup>40</sup> and concealed documents in violation of 18 USC §2076 and 18 USC §2071<sup>41</sup>.
  - a) On October 11<sup>th</sup> 2013 the UNYCLGJ filed a presentment against A. Gail Prudenti, Michael V. Coccoma, C. Randall Hinrichs, and Allan, D Scheinkman, conspirators failed to file and concealed documents, see exhibit B

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<sup>40</sup> **18 USC § 2076 - CLERK IS TO FILE.** Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

<sup>41</sup> **18 USC § 2071** - Concealment, removal, or mutilation generally (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both. (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

- b) On February 10<sup>th</sup> 2014 the UNYCLGJ filed a presentment against Charles M. Tailleir, conspirators failed to file and concealed documents, see exhibit C
  - c) On February 10<sup>th</sup> 2014 the UNYCLGJ filed a presentment against Michelle Carrol, conspirators failed to file and concealed documents, see exhibit D
  - d) On March 18<sup>th</sup> 2014 the UNYCLGJ filed a presentment against Terry Wilhelm, conspirators failed to file and concealed documents, see exhibit E.
- 10) On March 24<sup>th</sup> 2014 the UNYCLGJ filed a Quo Warranto, prima fascia action at law, with the Columbia County Clerk under Index #7303-14, in an extraordinary special procedure which was returned through the postal service on March 28<sup>th</sup> 2014 by order of A. Gail Prudenti without cause, in violation of 18 USC § 2076<sup>42</sup> and 18 USC §1341<sup>43</sup>
- a) Summons, 1 page.
  - b) RJJ, 2 pages.
  - c) Affidavit of service, 1 page.
  - d) Columbia County Clerk Check #1650 in the amount of \$305.00.
  - e) Writ of Quo Warranto, 17 pages.
  - f) Memorandum Law of the Case, 25 pages.
  - g) Memorandum Law and Jurisdiction, 9 pages.
  - h) Memorandum Kings Bench, 7 pages.
- 11) On or about the March 25<sup>th</sup> 2014 the tribunal received a phone call from the Columbia County Clerk Sharon Melino that A. Gail Prudenti ordered the return of our filed Action, Index # 7303-14.

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<sup>42</sup> **18 USC § 2076** - Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

<sup>43</sup> **18 USC §1341** - Frauds through postal service:

- 12) On or about March 26<sup>th</sup> 2014 the tribunal hand carried the Action, Index # 7303-14 to deliver to the Columbia County Court Clerk Richard Mabee who informed us that A. Gail Prudenti ordered the rejection of our filed Action, see letter exhibit O
- 13) On or about the March 26<sup>th</sup> 2014 the tribunal called to speak with a Columbia County Supreme Court Judge Mott to report the crime in progress, we spoke to law clerk David Michaels who refused us access to meet or speak on the phone with the Judge.
- 14) On or about March 27<sup>th</sup> the tribunal met with the Columbia County Sheriff's investigator [*Sheriff and Under Sheriff was too busy to see us*] who told us that without the assistance of the Columbia County DA he could not help us.
- 15) On or about April 1<sup>st</sup> 2014 the tribunal met with the Columbia County DA who refused to assist us claiming no NY statute was violated; see letter exhibit P
- 16) On or about April 10<sup>th</sup> 2014 the tribunal re-filed said Writ of Quo Warranto in Greene County with, three Memorandums Law of the Case, Law & Jurisdiction and The Kings Bench. The tribunal also filed the following two writs.
- a) Writ of Prohibition;
  - b) Writ of Mandamus:
- 17) On April 18, 2014 Judge Elliott under color of law exceeded his jurisdiction and made a [see] decision and order dismissing the action for no cause of action, after being instructed not to do so by a [see] Writ of Prohibition.
- 18) On April 18<sup>th</sup> 2014 the UNYCLGJ filed a presentment against A. Gail Prudenti, Holly Tanner, and Richard Mabee, see exhibit A, documents returned through the United States Postal Service.

- 19) On April 23, 2014 the tribunal served Judge Elliott with a Writ of Error and rescinded his decision and order; documents returned through the United States Postal Service.
- 20) On April 23, 2014 the tribunal filed and served document Fraud on the Court; documents returned through the United States Postal Service.
- 21) On April 29<sup>th</sup> 2014 the UNYCLGJ filed a presentment against Raymond J. Elliott, see exhibit E, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney.
- 22) On April 29<sup>th</sup> 2014 the UNYCLGJ filed a presentment against Terence L Kindlon, see exhibit G, Greene County Sheriff refused to serve county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney.
- 23) On April 29<sup>th</sup> the UNYCLGJ filed a presentment against Jonathan Lippman, Fern A. Fisher, Lawrence K. Marks, Barry Kamins and Ronald Younkings, see exhibit H, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney, see Information Fraud on the Court.
- 24) On April 29<sup>th</sup> the UNYCLGJ filed a presentment against Carol Stevens, see exhibit I, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney.
- 25) On April 29, 2014 the tribunal filed document Information Abuse of Power, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney.
- 26) On April 29, 2014 the tribunal filed document Information Failure to File, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney.

- 27) All the defendants hold elected or appointed offices, have taken an oath and in that capacity have a duty to speak directly, unfiltered and forthwith.
- 28) In said elected or appointed capacity servants have no right to remain silent<sup>44</sup>.
- 29) The People are unfettered by statutes in their performance as consentors.

### RICO<sup>45</sup>

- 30) Mail fraud 18 U.S. Code section §1341<sup>46</sup> conspirators did use the Postal Service to remove files from the court record, see Information Failure to File, attached.
- 31) Obstruction of Justice 18 U.S. Code §1503<sup>47</sup> conspirators did communicate by memorandums and phone calls in an endeavor to impede the Common Law Grand Jury.
- 32) Obstruction of criminal investigations, 18 U.S. Code §1510<sup>48</sup> conspirators did knowingly and with intent to obstruct the Common Law Grand Jury investigation and judicial proceeding by refusing to answer questions and file judicial documents.
- 33) Obstructing official proceeding 18 U.S. Code §1512<sup>49</sup> conspirators did corruptly persuaded all NY county and court clerks to withhold and conceal documents from official proceedings.

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<sup>44</sup> "Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . ." U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

<sup>45</sup> **18 U.S. Code Chapter 96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS**; § 1961 – Definitions "racketeering activity" means any act which is indictable under 18 U.S. Code section §1341, §1503, §1510, §1512

<sup>46</sup> **18 U.S. Code §1341** Whoever, having devised or intending to devise any scheme by means of false or fraudulent pretenses, representations, anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service.

<sup>47</sup> **18 U.S. Code §1503** (relating to obstruction of justice), Influencing or injuring officer or juror generally (a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror Whoever, having devised or intending to devise any scheme by means of false or fraudulent pretenses, representations, anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service.

<sup>48</sup> **18 U.S. Code §1510** (relating to obstruction of criminal investigations), Whoever knowingly and with the intent to obstruct an investigation or judicial proceeding violates such prohibitions or requirements applicable by law to such person shall be imprisoned for not more than five years, fined under this title, or both.

<sup>49</sup> **18 U.S. Code § 1512** (relating to tampering with a witness, victim, or an informant), Whoever knowingly uses intimidation or corruptly persuades another person to withhold a record, document, or other object, from an official proceeding; or alter,



34) XIV AMENDMENT SECTION 3. “No person shall ... hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, ... as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same...”

**WHEREFORE** the tribunal, **Coram Nobis**:<sup>50</sup>, forming this court of record under our own authority proceeding **OBSTA PRINCIPIIS**<sup>51</sup> moves this Common Law Article III Court to do its Constitutional duty as guaranteed and restore the Republican form of government<sup>52</sup> for New York State, and others, in this state of emergency, **IMMEDIATELY**, by enforcement through Writ of Mandamus as follows:

- I) Order the courts of the united 50 Republican States of America to provide for, receive and facilitate for the administration of the common law jury<sup>53</sup> by the people, in order for said juries to function within the courthouse under the auspices of justice<sup>54</sup>.

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destroy, mutilate, or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding; evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or be absent from an official proceeding to which such person has been summoned by legal process; hinder, delay, or prevent the communication to a law enforcement officer or judge; Whoever corruptly alters, destroys, mutilates, or conceals a record, document, with the intent to impair the object’s integrity or availability for use in an official proceeding; obstructs, influences, or impedes any official proceeding shall be fined under this title or imprisoned not more than 20 years, or both.

<sup>50</sup> [Blacks Law] Before us ourselves, (the king, i. e., in the king's or queen's bench.) [tribunal pre trial] **CORAM NOBIS**. [Blacks Law] Before us ourselves, (the king, i. e., in the king's or queen's bench.) Applied to writs of error directed to another branch of the same court, e. g., from the full bench to the court at *nisi prius*. 1 Archb. Pr. K. B. 234. See Writ of Error.

<sup>51</sup> **OBSTA PRINCIPIIS. Lat.** Withstand begin-nings; resist the first approaches or encroach-ments. Bradley, J., Boyd v. U. S., 116 U.S. 635, 6 Sup.Ct. 535, 29 L.Ed. 746.

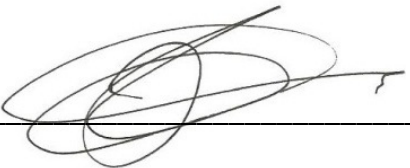
<sup>52</sup> Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

<sup>53</sup> The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands. UNITED STATES v. WILLIAMS, No. 90-1972.112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352

<sup>54</sup> "the grand jury normally operates, of course, in the courthouse and under judicial auspices" UNITED STATES v. WILLIAMS, No. 90-1972.112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352

- II) Order the Clerks of every county and court to file<sup>55</sup> prima fascia documents from the Common Law Grand Jury without exercising tribunal powers.
- III) Order all judges to obey -- *“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding”*. United States Constitution Article VI. Clause 2.
- IV) Order the judges of every court to perform their duties as magistrates by processing and executing true bills from the Common Law Grand Juries.
- V) Order the Sheriffs to arrest any judge, clerk, officer, agent or other elected or appointed servant who refuses to comply with said orders.
- VI) Order the arrest of any Sherriff by federal agents should they refuse to comply with aforesaid arrest orders.

Signed and sealed on behalf of the UNIFIED NEW YORK COMMON LAW GRAND JURY.



A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

Attornatus Privatus, Sealed and Delivered<sup>56</sup>

<sup>55</sup> **18 USC § 2076 - CLERK IS TO FILE.** Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

<sup>56</sup> **SEALED AND DELIVERED.** These words, fol. rowed by the signatures of the witnesses, constitute the usual formula for the attestation of conveyances.

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**NEW YORK SUPREME COURT, GREENE COUNTY**

Unified New York Common Law Grand Jury: [UNYCLGJ]

5

**TRIBUNAL**

INDEX # 14-0384

MAGISTRATE \_\_\_\_\_

-a-

**VERIFIED UNDER SEAL**

**OBSTA PRINCIPIIS<sup>1</sup>**

Holly Tanner, Richard Mabee, Jonathan Lippman,  
Fern A. Fisher, Lawrence K. Marks, C. Randall Hinrichs,  
Allan, D Scheinkman, Charles M. Tailleu, Terry Wilhelm,  
Raymond J. Elliott, Terence L Kindlon, Michelle Carrol,  
Carol Stevens, Barry Kamins, Ronald Younkings,  
A. Gail Prudenti, Michael V. Coccoma,

15

**DEFENDANTS**

20

**WRIT QUO WARRANTO<sup>2</sup>**

New York Unified Common Law Grand Jury, hereinafter the tribunal<sup>3</sup>, on behalf of the People<sup>4</sup>,  
by this sealed instrument<sup>5</sup> in this court of record<sup>6</sup>, proceeding according to common law<sup>7</sup>, come

<sup>1</sup> **OBSTA PRINCIPIIS. Lat.** Withstand begin-nings; resist the first approaches or encroach-ments. Bradley, J., Boyd v. U. S., 116 U.S. 635, 6 Sup.Ct. 535, 29 L.Ed. 746.

<sup>2</sup> **QUO WARRANTO.** In old English practice. A writ, in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire by what authority he supported his claim, in order to determine the right. It lay also in case of non-user, or long neglect of a franchise, or misuser or abuse of it; being a writ commanding the defendant to show by what warrant he exercises such a franchise, having never had any grant of it, or having forfeited it by neglect or abuse. 3 Bl.Comm. 262.

<sup>3</sup> **A COURT OF RECORD** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial". [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689].

<sup>4</sup> **PEOPLE.** People are supreme, not the state. [Waring vs. the Mayor of Savannah, 60 Georgiaat 93]; The state cannot diminish rights of the people. [Hertado v. California, 100 US 516]; Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...; ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472]: The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7].

<sup>5</sup> **SEALED INSTRUMENT.** An instrument of writing to which the party signed under seal, instrument must contain recital to effect that it is given under seal. Marshall v. Walker, 50 Ga.App. 551, 178 S.E. 760.

<sup>6</sup> **NY CONSTITUTION ARTICLE VI.B.** ... the supreme court ... shall be courts of record.; "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial". [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689].

<sup>7</sup> **COMMON LAW** - As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such

against the STATE OF NEW YORK SUPREME COURT charging Holly Tanner<sup>8</sup>, Richard Mabee<sup>9</sup>, Jonathan Lippman<sup>10</sup>, Fern A. Fisher<sup>11</sup>, Lawrence K. Marks<sup>12</sup>, Barry Kamins<sup>13</sup>, Ronald  
25 Younkens<sup>14</sup>, A. Gail Prudenti<sup>15</sup>, Michael V. Coccoma<sup>16</sup>, C. Randall Hinrichs<sup>17</sup>, Allan, D Scheinkman<sup>18</sup>, Charles M. Tailleur<sup>19</sup>, Terry Wilhelm<sup>20</sup>, Raymond J. Elliott<sup>21</sup>, Terence L Kindlon<sup>22</sup>, Michelle Carrol<sup>23</sup>, and Carol Stevens<sup>24</sup>, hereinafter conspirators; for RICO, neglect to prevent<sup>25</sup>, conspiracy, felony rescue and additional charges; see True Bills, exhibits A through I

### CORAM NOBIS

30 This is a common law proceeding, appearing before the People<sup>26</sup> themselves, to answer to the People the writ quo warranto<sup>27</sup>, directed upon New York State Judicial Executive branch servants: Personal appearances required, failure to appear will be consider contempt of court and subject to arrest. Said servants have a duty to speak without attorneys.

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usages and customs; and, in this sense, particularly the ancient unwritten law of England. [1 Kent, Comm. 492. Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.];

<sup>8</sup> Columbia County Clerk

<sup>9</sup> Columbia County, Supreme Court Clerk

<sup>10</sup> Executive Officer Chief Judge

<sup>11</sup> Executive Officer Deputy Chief Administrative Judge within NYC

<sup>12</sup> Executive Officer First Deputy Chief Administrative Judge

<sup>13</sup> Executive Officer Chief of Policy & Planning

<sup>14</sup> Executive Officer Executive Director

<sup>15</sup> Executive Officer Chief Administrative Judge

<sup>16</sup> Executive Officer Deputy Chief Administrative Judge outside NYC

<sup>17</sup> District Administrative Judge for Suffolk County

<sup>18</sup> Administrative Judge for the Ninth Judicial District

<sup>19</sup> Green County Supreme Court Judge

<sup>20</sup> Green County Supreme Court Judge

<sup>21</sup> Rensselaer County Supreme Court Judge

<sup>22</sup> Attorney

<sup>23</sup> Green County Supreme Court Clerk

<sup>24</sup> Greene County Attorney

<sup>25</sup> **42 USC §1986 - Action for neglect to prevent** - Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

<sup>26</sup> King, Grand Jury

<sup>27</sup> See Memorandum of Law the Kings Bench, attached.

35           *"We have twice suggested, though not held, that the Sixth Amendment right to counsel does not attach when an individual is summoned to appear before a grand jury, even if he is the subject of the investigation". United States v. Mandujano, 425 U.S. 564, 581, 96 S.Ct. 1768, 1778, 48 L.Ed.2d 212 (1976) (plurality opinion); In re Groban, 352 U.S. 330, 333, 77 S.Ct. 510, 513, 1 L.Ed.2d 376 (1957); see also Fed.Rule Crim.Proc. 6(d).*

40   **WE COMMAND** the conspirators to show by what warrant they exercise such a franchise that enables them to conspire and misuse their office usurping themselves, under color of law, in order to prevent the sovereign<sup>28</sup> People of New York from exercising their unalienable right of self government declared in the Declaration of Independence<sup>29</sup> and protected under the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Amendments, thereby disenfranchising all the sovereign People of New York and thereby  
45 causing the trying<sup>30</sup> of the corporate title "STATE OF NEW YORK".

The sovereign People also **COMMAND** that conspirators be arrested, removed from office immediately, and proceed for trial.

The conspirators are servants under oath holding positions of trust and have a lawful duty to answer plainly and directly to the sovereign People, silence is fraud and therefor an admission of  
50 guilt.

*"Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . ."*

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<sup>28</sup> "'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree." *Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co.*, 294 N.Y.S. 648, 662, 161 Misc. 903.; "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." *American [Banana Co. v. United Fruit Co.]*, 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047].; The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. *Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.; The state cannot diminish rights of the people. *Hurtado v. People of the State of California*, 110 U.S. 516.

<sup>29</sup> **THE DECLARATION OF INDEPENDENCE** We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.-- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,

<sup>30</sup> **QUO WARRANTO** In England, and quite generally throughout the United States, this writ has given place to an "information in the nature of a quo warranto," which, though in form a criminal proceeding, is in effect a civil remedy similar to the old writ, and is the method now usually employed for trying the title to a corporate or other franchise, or to a public or corporate office. *Ames v. Kansas*, 111 U.S. 449, 4 S.Ct. 437, 28 L.Ed. 482; *People v. Londoner*, 13 Colo. 303, 22 P. 764, 6 L.R.A. 444;

U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032;  
Carmine v. Bowen, 64 A. 932

55 Conspirators being servants are “not” to answer through counsel. It is an insult to the sovereign  
People when a steward commanded to give account of their stewardship insulates themselves  
with counsel, and double so, when they expect their masters to pay for the priestly counsel.

We the People will receive answers through counsel as a non-answer, furthermore this is a Writ  
of Quo Warranto, therefore a motion of any kind is not valid and if made will be taken as a non-  
60 answer. Failure to respond or responding inappropriately will be contempt of court.

The servant simply does not have the authority to legislate or decree away common law endowed  
upon the people with or without their consent, to attempt or accomplish that malevolence would  
be an act of high treason<sup>31</sup>, a clear act of war upon the people.

If conspirators confess that they have error and proceed to inform the sixty-two clerks of the  
65 court to call upon the custodians of the courthouse to make provisions to receive the sovereign  
People to their rightful place within the courthouse a reprieve from the said charges against them  
will be granted. The sovereign People have no desire to seek out and prosecute past  
wrongdoings, we desire only to look forward and work with our servants to heal our land.

**WE THE PEOPLE PROCEED OBSTA PRINCIPIIS**<sup>32</sup> and by our own authority as the Ordainers of  
70 this Republic, any attempt by the officers of the court to move in the direction of fiction will be  
considered an act of lawless violence and said court [officers] would be vulnerable to collateral  
attack from this superior court of record immediately with a “predetermination” by the Unified

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<sup>31</sup> Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. [Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)]

<sup>32</sup> see Memorandum of Law and Jurisdiction attached

New York Common Law Grand Jury that such an act is an act of treason, felony rescue and warrants an immediate prepared presentment, therefore the magistrate is to reflect the virtuous will of the tribunal<sup>33</sup>. See Memorandum Law of the Case.

## GRIEVANCES

Wrongdoers are required to affirmatively prove the authority claimed by written citation of the Articles and Sections of the Constitution that pertain to your claim, that the People cannot have access to their court to administer to juries or comply immediately.

80        *“Government officers and agents are required to affirmatively prove whatever authority they claim. In the absence of proof, they may be held personally accountable for loss, injury and damages”*. RYDER v. UNITED STATES, 115 S.Ct. 2031, 132 L.Ed.2d 136, 515 U.S. 177,

85        *“Failure to contest an assertion ... is considered evidence of acquiescence”*. US Supreme Court - Mitchell v. United States - No. 97-7541 Argued December 9, 1998

90        *“For purposes of this subdivision an evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond”* Cunningham v. Hamilton County No. 98-727 Argued April 19, 1999 Decided June 14, 1999 527 U.S. 198

UNITED STATES v. WILLIAMS<sup>34</sup> said; *“Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length”*<sup>35</sup>.

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<sup>33</sup> Grand Jury

<sup>34</sup> UNITED STATES v. WILLIAMS; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352;

<sup>35</sup> **AT ARM'S LENGTH.** Beyond the reach of personal influence or control. Parties are said to deal "at arm's length" when each stands upon the strict letter of his rights, and conducts the business in a formal manner, without trusting to the other's fairness or integrity, and without being subject to the other's control or overmastering influence.



95     Conspirators in an act of violence<sup>36</sup>, an act of tyranny, blocked the sovereign People from operating out of the courthouse thereby forcing the sovereign People to take action in tents outside the courthouse under judicial auspices of the process.

Conspirators acted in concert, thereby conspiratorial, under the color of law using their entrusted authority, to prevent the sovereign people from functioning<sup>37</sup> as a Grand Jury<sup>38</sup>, clearly no such  
100     authority exists.

Conspirators actions have denied the sovereign Peoples right of self rule<sup>39</sup> by claiming that the fifth amendment's unfettered right of Jury<sup>40,41</sup> has been abrogated.

Conspirators, who are hired servants, claim courts have supervisory control over the sovereign People and that they cannot form outside the auspices of the court. Whereas in US v Williams  
105     concluded: *"Because the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such "supervisory" judicial authority exists, and that the disclosure rule applied here exceeded the*

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<sup>36</sup> VIOLENCE. Unjust or unwarranted exercise of force, usually with the accompaniment of vehemence, outrage or fury. People v. McIlvain, 55 Cal. App.2d 322, 130 P.2d 131, 134.; the abuse of force, that force which is employed against common right, against the laws, and against public liberty. Merl. Repert; Anderson-Berney Bldg. Co. v. Lowry, Tex.Civ.App., 143 S.W.2d 401, 403.

<sup>37</sup> **NEW YORK CONSTITUTION ARTICLE I. BILL OF RIGHTS. §6.** The power of grand juries to inquire into the wilful misconduct in office of public officers, and to find indictments or to direct the filing of informations in connection with such inquiries, shall never be suspended or impaired by law.

<sup>38</sup> Because the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such "supervisory" judicial authority exists... UNITED STATES v. WILLIAMS; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352;

<sup>39</sup> **THE DECLARATION OF INDEPENDENCE**, July 4, 1776. ...We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,...

<sup>40</sup> The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands. UNITED STATES v. WILLIAMS; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352;

<sup>41</sup> "[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 - quoted in UNITED STATES v. WILLIAMS; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352;

Tenth Circuit's authority. ... Given the grand jury's operational separateness from its constituting court, it should come as no surprise that we have been reluctant to invoke the judicial supervisory power as a basis for prescribing modes of grand jury procedure. Over the years, we have received many requests to exercise supervision over the grand jury's evidence-taking process, but we have refused them all, including some more appealing than the one presented today". UNITED STATES v. WILLIAMS; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352; Furthermore the preamble<sup>42</sup> states; "*We the people ... ordain and establish this Constitution for the United States of America*" which clearly ranks the People above the constitution and our servant government under the chains of the constitution, with no authority whatsoever to alter it.

Conspirators claim the Fifth Amendment is territorial and does not apply to the States. But the Supremacy Clause says different; "*This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding*". Constitution for the United States of America Article VI Clause 2.

Conspirators claim the courts, controlled by them, does not permit for a grand jury controlled by the people. But UNITED STATES v. WILLIAMS<sup>43</sup> said "*Because the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such "supervisory" judicial authority exists*"; and NEW YORK CONSTITUTION ARTICLE I. BILL OF RIGHTS. §6. "*The power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments or to*

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<sup>42</sup> Constitution for the United States of America

<sup>43</sup> UNITED STATES v. WILLIAMS; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352;

130 *direct the filing of informations in connection with such inquiries, shall never be suspended or  
impaired by law”*; and ARTICLE I BILL OF RIGHTS, Section 1. *“No member of this state shall  
be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof,”*

Conspirators have defrauded the sovereign People by changing our common law courts of record to statutory courts not of record thereby fraud carrying the People away to foreign courts, unbeknown to them because of centralized education.

135 **INJURIES**

Because judges, not the sovereign People, monitor themselves our courts have lost Justice (Godliness).

Because judges, not the sovereign People, monitor themselves we have government (corporatism) by servant judges and not by the People.

140 Because judges, not the sovereign People, monitor themselves sovereign People without BAR attorneys consistently find themselves cast out of court under the guise of “no standing” or “no cause of action”.

Because judges, not the People, monitor themselves the sovereign People find themselves under corporate charter, not the constitution.

145 Because judges, not the sovereign People, monitor themselves People are hijacked into a nisi prius court.

Because judges, not the sovereign People, monitor themselves People after denying consent to the fraudulent jurisdiction are steamrolled anyway.

Because judges, not the sovereign People, monitor themselves judges maintain the status quo.

150 Because judges, not the sovereign People, monitor themselves judges are politically expedient and ignore jurisprudence.

Because judges, not the sovereign People, monitor themselves People are fleeced by corporate tax collectors.

155 Because judges, not the sovereign People, monitor themselves People imprisoned for crimes they did not commit.

Because judges, not the sovereign People, monitor themselves People imprisoned by statutes with no injured party.

Because judges, not the sovereign People, monitor themselves People lose their homes and savings to corporations without contracts or sworn affidavits.

160 Because judges, not the sovereign People, monitor themselves People lose their children to lawless corporate social services.

Because judges, not the sovereign People, monitor themselves People lose their dignity, life's savings, homes, and their right to peace in their twilight years.

165 Because judges, not the sovereign People, monitor themselves People are exposed to poisons by the air they breathe, the food they eat, and the water that they drink.

Because judges, not the sovereign People, monitor themselves people have lost their unalienable right protected by the 1<sup>st</sup> Amendment for “redress of grievances”, for “freedom of religion”, and “free speech”.

170 Because judges, not the sovereign People, monitor themselves people have lost their unalienable right protected by the 2<sup>nd</sup> Amendment for “a regulated militia” and to “keep and bear arms” without infringement.

Because judges, not the sovereign People, monitor themselves people have lost their unalienable right protected by the 4<sup>th</sup> Amendment to be secure in their persons, houses, papers, and effects, (cars, financial institution) against unreasonable searches and seizures.

175 Because judges, not the sovereign People, monitor themselves people have lost their unalienable right protected by the 5<sup>th</sup> Amendment to administrate to their own Grand Jury, not puppets, thereby having due process of law.

180 Because judges, not the sovereign People, monitor themselves people have lost their unalienable right protected by the 6<sup>th</sup> Amendment to a speedy and public trial, an impartial jury, and Assistance of Counsel, not attorneys.

Because judges, not the sovereign People, monitor themselves people have lost their unalienable right protected by the 7<sup>th</sup> Amendment to common law and trial by a jury of the People.

185 Because judges, not the sovereign People, monitor themselves people have lost their unalienable right protected by the 8<sup>th</sup> Amendment excessive bail, cruel and unusual punishments inflicted. Courts should not be all about jail and money for the state, but about the restoration of the injured party.

Because judges, not the sovereign People, monitor themselves people have lost their protection of domestic tranquility (through constant assault by corporate codes, agents and swarms of

corporate police), common defense (foreign troops on American soil), general welfare, and  
190 liberty.

## DUTY OF COURTS

Conspirators are derelict of duty:

195 *"It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any stealthy encroachments thereon"* Boyd v. United States, 116 U.S. 616, 635

Conspirators have brought upon the People an evil day:

200 *"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."* Downs v. Bidwell, 182 U.S. 244 (1901).

Conspirators are guilty of treason to the Constitution:

205 *"We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."* Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

Conspirators were not watchful for the Constitutional Rights of the People:

210 *"It may be that it is the obnoxious thing in its mildest form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens,*

215 *and against any stealthy encroachments thereon. Their motto should be Obsta  
Principiis."* Boyd v. United, 116 U.S. 616 at 635 (1885)

**ALL THE** Conspirators **ACTED IN CONCERT UNDER COLOR OF LAW**, statute, regulations, and custom having willfully deprived the People of New York of our unalienable rights and immunities secured and protected by the United States Constitution;

220 **WHEREFORE, WE THE PEOPLE DEMAND** That you give account of your stewardship;

- 1) Answer the aforementioned grievances by affidavit under penalty of perjury and not through counsel.
- 2) Communicate to all court clerks and judges to stand-down
- 3) Introduce the Common Law Grand Jury Administrators of each county to the custodian  
225 for access to the courthouse for office space and a conference room.
- 4) Notify New York State comptroller of the transfer of duties and therefore the funds necessary for the expenses Unified New York Common Law Grand Jury Administrators.
- 5) A written certified copy of your constitutional oath of office, as required by Article VI, Paragraph 3 of the Constitution for the United States and 5 U.S.C. § 3331;
- 230 6) A written certified copy of your civil commission as agent or officer of the Government you claim to work for, as required by Article II § 3 of the Constitution of the United States of America and attending legislation;
- 7) Your affidavit declaring that you did not pay for or otherwise make or promise consideration to secure the office (5 U.S.C. § 3332);

- 235 8) Your personal surety bond; and documentation that establishes your complete line of chain of command delegated authority, including all intermediaries, beginning with the President of the United States, or the Governor of the State you claim authority from.
- 9) These documents should all be filed as public records. See 5 U.S.C. § 2906 for requirements concerning filing oaths of office. In the event you do not have a personal  
240 surety bond, you may provide a copy of your financial statement, which you are required to file annually. Your financial statement will be construed as a private treaty surety bond in the event that you exceed lawful authority.
- 10) Collateral issues other than the above requests intended to document your personal standing will be addressed separately from this demand.
- 245 11) You must provide the requested items within ten (10) calendar days from receipt of this demand.
- 12) Failure to comply with all the demands of this Writ of Quo Warranto will be an admission that all parties are willful intent engaging in criminal activity against the People and will be interpreted as contempt of court.
- 250 13)

*Signed by* ORDER *and on behalf of the* UNIFIED COMMON LAW GRAND JURY *of* NEW YORK



Grand Jury Foreman

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## Sixty Two Unified New York Common Law Grand Juries

The fear of the LORD is to hate evil: pride, and arrogancy, and the evil way, and the froward mouth, do I hate. Counsel is mine, and sound wisdom: I am understanding; I have strength. By me kings reign, and princes decree justice. By me princes rule, and nobles, even all the judges of the earth. **Prov 8:13-16**

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**NEW YORK SUPREME COURT, GREENE COUNTY**

Unified New York Common Law Grand Jury: [UNYCLGJ]

**TRIBUNAL**

-a-

Holly Tanner, Richard Mabee, Jonathan Lippman,  
Fern A. Fisher, Lawrence K. Marks, C. Randall Hinrichs,  
Allan, D Scheinkman, Charles M. Tailleur, Terry Wilhelm,  
Raymond J. Elliott, Terence L Kindlon, Michelle Carrol,  
Carol Stevens, Barry Kamins, Ronald Younkings,  
A. Gail Prudenti, Michael V. Coccoma,

**DEFENDANTS**

INDEX # 14-0384

MAGISTRATE \_\_\_\_\_

**MEMORANDUM OF LAW**

**AUTHORITIES**

THE PURPOSE of this memorandum is to clarify the authority by which we the People act upon the process we executed and the process we intend to proceed upon.

The United States Supreme Court case Boyd v. United States in 1922 proclaims the remedy of today’s problems, when they said; *"It is the duty of the courts to be watchful for encroachments against Constitutional rights"*; in Olmstead v. United States<sup>1</sup> the court stated further: *"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrup-u-lous-ly. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that, in the administration of the criminal law, the end justifies the means, to declare that the Government may commit crimes would bring terrible retribution. Against that pernicious doctrine this Court*

<sup>1</sup> Olmstead v. United States, 277 U.S. 438, 1928

*should resolutely set its face,"* and so should every New York Court do, but they will not, so the People will.

The present jury system has been seized by our servants that created a deceptive façade used to empower themselves and not the People. Bar schools teach judges and attorneys that statutes of men, far removed from the People, overrule the law of the land. While both prosecutor(s) and judge(s) impose their will upon judicially ignorant people as they require juries to interpret statutes as law without opportunity to nullify. Whereas common law requires that the jury should judge both law and facts. Bar attorneys are true believers that the People are incompetent in law when in fact it is they! We the People know the law while BAR attorneys know statutes as law.

*Jefferson said: "I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power." He also said: "An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens."*

But our servants in government have deceitfully removed the education of “Self-government”, who’s motive can only be more power. Therefore we the People, 1000’s of us across the nation, are Self-educating in order to perform our duty. We reject any servant who arrogantly claims the People incompetent and that only they know what’s best for us. We need to remind you we have government by the consent of the People and not by the consent of our servants and/or your BAR.

The People through the US Constitution gave no legislative authority to codify the administration of the jury. Common law requires that juries be chosen from an unfiltered pool from among the People by the People. The people when debating the body of the constitution, after discussions concerning the jury in the [anti]/federalist papers, deliberately left said authority out of the body, and then by design included unfettered authority by the People in the Bill of

Rights as expressed in the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Amendments. Making it clear that it is the right of the people to administer to the jury for the trying of people and not government servants.

Bar lawyers will then say that, “*the bill of rights is for the federal courts only*”, but this is where bar schools, for treasonous reasons I can only conclude, failed again by not teaching the law of the land, a/k/a supremacy clause, which is as follows:

**This Constitution**, and the **laws of the United States** which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the **supreme law of the land**; and the **judges in every state shall be bound thereby**, anything in the **Constitution or laws of any State to the contrary notwithstanding**. -- US Constitution Article VI

Therefore common law is expressed in the supreme law of the land, whereas statutes that control the behavior and powers of the People are expressed in repugnant statutes that are “*null and void*”. Marbury v. Madison, 5th US (2 Cranch) 137, 180:

It is the actions of our servants that are without lawful support, and that which you claim is legal, is unlawful. The assumptions that anyone, but our servants forming grand juries would lead to chaos and anarchy is both unfounded, self serving and treasonous. The idea that the legislature has established the method and process for forming grand juries and that the remedy of the People is the corrupt ballot box is also absurd and fraudulent.

Lysander Spooner, author of Trial by Jury, clearly a favorite read by past and present United States Supreme court Justices, in Chapter 5 said; “*The powers of juries are not granted to them, by the people themselves, on the supposition that they know the law better than the justices; but on the ground that the justices are untrustworthy, that they are exposed to bribes, are themselves fond of power and authority, and are also the dependent and subservient creatures of the legislature; and that to allow them to dictate the law, would not only expose the rights of parties to be sold for money, but would be equivalent to surrendering all the property, liberty, and rights of the people, unreservedly into the hands of arbitrary power, (the legislature,) to be disposed of at its pleasure.*”

In Chapter 6 he said; *“The term jury is a technical one, derived from the common law; and when the American constitutions provide for the trial by jury, they provide for the common law trial by jury; and not merely for any trial by jury that the government itself may chance to invent, and call by that name. It is the thing, and not merely the name, that is guaranteed. Any legislation, therefore, that infringes any essential principle of the common law, in the selection of jurors, is unconstitutional; and the juries selected in accordance with such legislation are, of course, illegal, and their judgments void, therefore the juries of the present day illegal”*

*“The powers of juries, therefore, not only place a curb upon the powers of legislators and judges, but imply also an imputation upon their integrity and trustworthiness; and these are the reasons why legislators and judges have formerly entertained the intense hatred of juries, and, so fast as they could do it without alarming the people for their liberties, have, by indirection, denied, undermined, and practically destroyed their power. And it is only since all the real power of juries has been destroyed, and they have become mere tools in the hands of legislators and judges, that they have become favorites with them. A Common Law jury, therefore, insures to us what no other court does --- that first and indispensable requisite in a judicial tribunal, integrity”*.

And in Chapter 7 Lysander Spooner said; *“The principle of chapter 28 of Magna Carta, as applicable to the governments of the United States of America, forbids that any officer appointed either by the executive or legislative power, or dependent upon them for their salaries, or responsible to them by impeachment, should preside over a jury in criminal trials. To have the trial a legal (that is by common law) and true trial by jury, the presiding officers must be chosen by the people, and be entirely free from all dependence upon, and all accountability to, the executive and legislative branches of the government. Therefore the foreman of the jury is properly the "Presiding Officer," so far as there is such an officer at all”*.

Our intention is to bring justice back into the Peoples’ out of control courts, that is destructive to the America envisioned by our founding fathers. Therefore the authority by which we act is in fact our inalienable right, is in fact founded, in that We the People are the posterity of our founding fathers, the inheritors of the documents that created the government that you serve in, and we resent the attitude that the People are not capable of self-government.

Whereas we read, Declaration of Independence: “*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness ...” therein it is the Peoples’ right, and it is our duty to alter that which is destructive to our Safety and Happiness by returning to common law juries and common law courts as it is written in the Constitution for the fifty united States of America.*

This is further realized in the preamble of our constitution that it is “**The People that ordained and established the law**” where we read: “*We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.” And with these absolutes we further submit the following authorities by which the judges in every state “**shall**” be bound:*

The authority of the People to form and administer to grand and petit juries is an unalienable right protected and secured by the 5<sup>th</sup> 6<sup>th</sup> and 7<sup>th</sup> Amendments. Whereas we read: “*Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them*”. Miranda v. Arizona<sup>2</sup>. “*The state cannot diminish rights of the people.*” Hurtado v. The People of the State of California<sup>3</sup>. “*All laws, rules and practices which are repugnant to the Constitution are null and void*” Marbury v. Madison, 1803<sup>4</sup>.

In most State Constitutions an impartial jury is guaranteed, obviously when the government administers to the jury it can no longer be considered impartial, but tainted. How can it be when

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<sup>2</sup> Miranda v. Arizona, 384 US 436, 491

<sup>3</sup> Hurtado v. People of the State of California, 110 U.S. 516.

<sup>4</sup> Marbury v. Madison, 5th US (2 Cranch) 137, 174, 176,(1803)

the government seeking a conviction by government paid lawmakers, government paid judges, government paid prosecutors, and government controlled juries that they call the jury impartial?

In the case UNITED STATES v. WILLIAMS, 1992<sup>5</sup>; Justice Antonin Scalia, writing for the majority said: "*This Court's cases relying upon that power deal strictly with the courts' control over their own procedures, whereas the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, rooted in long centuries of Anglo-American history, citing Hannah v. Larche<sup>6</sup>". Justice Antonin Scalia continued, "courts neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands. The grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It 'is a constitutional fixture in its own right, citing United States v. Chanen, 1977 quoting Nixon v. Sirica, 1973<sup>7</sup>. In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people, citing Stirone v. United States, 1960; Hale v. Henkel, 1906; G. Edwards, The Grand Jury pgs 28-32 1906<sup>8</sup>".*

Justice Antonin Scalia continued "*Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. "Unlike a court, whose jurisdiction is predicated upon a specific case or controversy, the grand jury can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not, citing United States v. R. Enterprises, 1991 quoting United States v. Morton Salt Co., 1950<sup>9</sup>. The Grand Jury need not identify the offender it suspects, or even the precise nature of the offense it*

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<sup>5</sup> UNITED STATES v. WILLIAMS; 112 S.Ct. 1735 504 U.S. 36 118 L.Ed.2d 352 (1992)

<sup>6</sup> Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960)

<sup>7</sup> United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977)

<sup>8</sup> Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906)

<sup>9</sup> United States v. R. Enterprises, 498 U.S. ----, ----, 111 S.Ct. 722, 726, 112 L.Ed.2d 795 (1991) (quoting United States v. Morton Salt Co., 338 U.S. 632, 642-643, 70 S.Ct. 357, 364, 94 L.Ed. 401 (1950))

*is investigating, citing Blair v. United States, 1919<sup>10</sup>. The grand jury requires no authorization from its constituting court to initiate an investigation nor does the prosecutor require leave of court to seek a grand jury indictment, see Hale, supra<sup>11</sup>. The grand jury in its day-to-day functioning generally operates without the interference of a presiding judge, see Calandra, supra<sup>12</sup>. The grand jury swears in its own witnesses and deliberates in total secrecy, see United States v. Sells Engineering, Inc.,<sup>13</sup>. We have insisted that the grand jury remain free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it, citing United States v. Dionisio, 1973<sup>14</sup>. Recognizing this tradition of independence, we have said that the Fifth Amendment's constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge, citing Stirone, supra<sup>15</sup>. We have said that certain constitutional protections afforded defendants in criminal proceedings have no application before the Grand Jury, citing Ex parte United States, 1932; United States v. Thompson, 1920<sup>16</sup>". We have twice suggested, though not held, that the Sixth Amendment right to counsel does not attach when an individual is summoned to appear before a grand jury, even if he is the subject of the investigation". United States v. Mandujano, 1976; In re Groban, 1957; Fed.Rule Crim.Proc. 6(d).<sup>17</sup>*

In conclusion Justice Antonin Scalia said "Given the grand jury's operational separateness from its constituting court, it should come as no surprise that we have been reluctant to invoke the judicial supervisory power as a basis for prescribing modes of grand jury procedure. Over the years, we have received many requests to exercise supervision over the grand jury's evidence-taking process, but we have refused them all, we declined to enforce the hearsay rule in grand

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<sup>10</sup> Blair v. United States, 250 U.S. 273, 282, 39 S.Ct. 468, 471, 63 L.Ed. 979 (1919)

<sup>11</sup> Hale, supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375

<sup>12</sup> Calandra, supra, 414 U.S., at 343, 94 S.Ct., at 617.

<sup>13</sup> United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138

<sup>14</sup> United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973).

<sup>15</sup> . . ." Id., at 16, 93 S.Ct., at 773 quoting Stirone, supra, 361 U.S., at 218, 80 S.Ct., at 273

<sup>16</sup> See Ex parte United States, 287 U.S. 241, 250-251, 53 S.Ct. 129, 132, 77 L.Ed. 283 (1932); United States v. Thompson, 251 U.S. 407, 413-415, 40 S.Ct. 289, 292, 64 L.Ed. 333 (1920).

<sup>17</sup> United States v. Mandujano, 425 U.S. 564, 581, 96 S.Ct. 1768, 1778, 48 L.Ed.2d 212 (1976) (plurality opinion); In re Groban, 352 U.S. 330, 333, 77 S.Ct. 510, 513, 1 L.Ed.2d 376 (1957); see also Fed.Rule Crim.Proc. 6(d).



*jury proceedings, since that "would run counter to the whole history of the grand jury institution, in which laymen conduct their inquiries unfettered by technical rules"*<sup>18</sup>.

Hume calls the Trial by Jury "An institution admirable in itself, and the best calculated for the preservation of liberty and the administration of justice, that ever was devised by the wit of man."

Therefore "We the People", affirm and proclaim the unalienable right to consent or deny the actions of our elected servants through the Common Law Jury as our founding fathers provided for in the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Amendments. As Justice Antonin Scalia put it; "*The Grand Jury is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights it is a constitutional fixture in its own right*"<sup>19</sup>, in fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people". We the People demand that tyrant servants step aside.

On February 27<sup>th</sup> 2014 New York was the first state to constitute the reinstatement of the Common Law Juries in all sixty-two counties. By placing news releases in local papers in each county and inviting people by phone for a presentation and then a showing of hands to reinstate the Peoples unalienable right of the Common Law Jury. In all but one county, where two people declined it was unanimous.

Since then nine other states have joined New York in constituting the process in every county within their state, they are Florida, Connecticut, Rhode Island, New Jersey, New Hampshire, Arizona, Massachusetts, Maryland and Maine; And we anticipate at least four other states; Washington, Oregon, Pennsylvania and Delaware before the end of May 2014 to be completely constituted. We the People are actively working in every state of the union to save the Republic by reinstating the Common Law Jury in every county and anticipate all the states to be constituted before the Fall 2014. The following is the Declaration of each American County.

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<sup>18</sup> Id., at 364, 76 S.Ct., at 409.

<sup>19</sup> United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977)

## **Declaration**

We the people of [each American] County by the mercy and Grace of God having blessed us with the unalienable right of the people as Grand Jurors, secured by the V Amendment of the Bill of Rights for the United States of America, in order to establish justice, insure domestic tranquility, secure the blessings of liberty to ourselves and our posterity by the securing of Natural Law do ordain and establish this Grand Jury principled upon Justice, Honor and Grace for a perpetual administration of trust on behalf of the people.

On [date] the people of [each American] County of [each State] Constituted a Grand Jury by electing to reestablish the Peoples Jury to be filed with the county clerk and the court clerk.

This declaration by the consent of the people shall be sufficient for the establishment of this Grand Jury presented to the people and to be recorded with the County Clerk and the Supreme Court Clerk on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord Two Thousand and Fourteen and in the two hundred and thirty eight year of our independence of the united States of America. In witness hereof by three:

S      Witness #1 \_\_\_\_\_  
E  
A      Witness #2 \_\_\_\_\_  
L  
          Witness #3 \_\_\_\_\_

**CONSTITUTION OF A COMMON LAW GRAND JURY** - Inasmuch as for the sake of God, for the bettering of our sovereignty, and for the more ready healing of the discord which has arisen between us and our civil servants, wishing to establish justice, insure domestic tranquility, and secure the blessings of liberty to enjoy forever in its entirety. The people may select at their pleasure twenty five people from the sovereignty, who ought, with all their strength, to observe, maintain; and cause to be observed, the peace and unalienable rights. If any of our civil servants shall have transgressed against any of the people in any respect and they shall ask us to cause that error to be amended without delay, or shall have broken some one of the articles of peace or security, and their transgression shall have been shown to four Jurors of the aforesaid twenty five and if those four Jurors are unable to settle the transgression they shall come to the twenty-five, showing to the Grand Jury the error which shall be enforced by the law of the land. [**MAGNA CARTA, JUNE 15, A.D. 1215, 61.**]

**DUTY OF THE GRAND JURY** - If anyone's unalienable rights have been violated, or removed, without a legal sentence of their peers, from their lands, home, liberties or lawful right, we [the twenty-five] shall straightway restore them. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of the twenty-five Grand Jurors, the sureties of the peace. [**MAGNA CARTA, JUNE 15, A.D. 1215, 52.**]

**AUTHORITY OF A COMMON LAW GRAND JURY** - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. [**BILL OF RIGHTS AMENDMENT V**]

This right of Declaration of self rule was rejected by our arrogant servants who think they are the Masters. This is the Peoples peaceful Revolution to take back our Republic. America stands at the precipice, and if our hired servants who have taken hold of our house of justice continues to resist, thereby preventing the only institution capable of solving her problems. The People will not give up their Liberty and are willing to give their lives for Justice and their posterity. The People come with an olive branch, and to the alternative will meet force with equal force<sup>20</sup>.

President Kennedy said; *“A revolution is coming – a revolution which will be peaceful if we are wise enough; compassionate if we care enough; successful if we are fortunate enough – but a revolution which is coming whether we will it or not. We can affect its character; we cannot alter its inevitability”*. This great fallen hero and martyr before giving his life went on to say; *“Those who make peaceful revolution impossible will make violent revolution inevitable”*. It is at this precipice we stand today, it is for this purpose we are here today and we resolutely set our face, and by the grace of our God we will succeed today:

It has taken the people fifty years to realize and react to President Kennedy’s warning of the Revolution that unfolds before us, as we stand at that precipice, that will decide the fate of America. This court action is our peaceful and compassionate response in an endeavor to positively affect its character.

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<sup>20</sup> Plummer v. State, 136 Ind. 306.; John Bad Elk v. U.S., 177 U.S. 529.; Housh v. People, 75 111. 491; State v. Leach, 7 Conn. 452; State v. Gleason, 32 Kan. 245; Ballard v. State, 43 Ohio 349; State v Rousseau, 241 P. 2d 447; State v. Spaulding, 34 Minn. 3621.; Jones v. State, 26 Tex. App. 1; Beaverts v. State, 4 Tex. App. 1 75; Skidmore v. State, 43 Tex. 93, 903.; State v. Robinson, 145 ME. 77, 72 ATL. 260.; State v. Mobley, 240 N.C. 476, 83 S.E. 2d 100.; Adams v. State, 121 Ga. 16, 48 S.E. 910; Runyan v. State, 57 Ind. 80; Miller v. State, 74 Ind. 1.

**NEW YORK SUPREME COURT, GREENE COUNTY**  
The People of New York

Coram Ipso Rege:

&

New York Unified Common Law Grand Jury

Coram Nobis:

-a-

STATE OF NEW YORK SUPREME COURT

Holly Tanner, Richard Mabee Jonathan Lippman,  
Fern A. Fisher, Lawrence K. Marks, Barry Kamins,  
Ronald Younkings, A. Gail Prudenti, Raymond J. Elliott  
and Terence L Kindlon

Wrongdoers:<sup>1</sup>

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MAGISTRATE \_\_\_\_\_

**ABUSE OF POWER &  
INTIMIDATION FROM  
THE UNIFIED NEW YORK  
SUPREME COURT**

**BILL OF INFORMATION<sup>2</sup>**

On April 8<sup>th</sup> 2014 Raymond J. Elliott, did enter into a conspiracy with others to commit fraud on the court, treason and felony rescue.

Raymond J. Elliott under the color of law did plot with Terence L Kindlon to unlawfully usurp a extraordinary common law procedure of the New York Unified Common Law Grand Jury, here-in-after Jury, to a foreign nisi prius Chancery Court.

Whereas Raymond J. Elliott seized jurisdiction, and in an act of “felony rescue”, assumed the mantel and illegally dismissed the action of the Common Law 5th Amendment’s Grand Jury, and thereby obstructed justice and the orderly decorum of the court was replaced by defective impromptu process and usurpation of legislative and court powers.

The aforesaid action, through the ignorance of the chancery concerning the Law, unlawfully cancelled the April 24<sup>th</sup> 2014 common law court Action. The Jury responded with a writ of error, rescinded the unlawful decision and order, filed charges against Raymond J. Elliott and Terence

<sup>1</sup> **WRONGDOER.** “One who commits an injury; a tort-feasor. The term ordinarily imports an invasion of right to the damage of the party who suffers such invasion”. Merrill v. Comstock, 154 Wis. 434, 143 N.W. 313, 317.

<sup>2</sup> **BILL OF INFORMATION.** Where a suit is instituted on behalf of those of whom it has the custody by virtue of its prerogative, or whose rights are under its particular protection, the matter of complaint is offered to the court by way of information. The proceeding is by information and bill. Informations differ from bills in little more than name and form, and the same rules are substantially applicable to both. 3 Bl.Comm. 261.

L Kindlon for fraud on the court, and two presentments against Raymond J. Elliott and Terence L Kindlon.

On Thursday evening, April 24<sup>th</sup> 2014 the Jury received information from two sources that the Green County Court was swarming with deputies from the Greene County Sheriff's Department on April 24<sup>th</sup> 2014 at 9:30AM. The two individuals one who entered into the court on their own business and another who had driven by the court and the following facts were collaborated:

- 1) 4 deputies with bullet proof vests were standing outside at the court entrance.
- 2) 5 deputies with bullet proof vests were in the small vestibule, reportedly bumping into each other as people entered into the building.
- 3) 2 or more court officers were checking people into the building through the metal detector and x-ray conveyor.
- 4) One of the People that entered the building reported police officers on the lobby floor and officers on the floor they had business on.
- 5) When talking to a court clerk the question was asked what's up with all the Police, and the clerk answered that they were expecting trouble by protestors because a court case was cancelled, but not to worry you are safe here in the building.
- 6) We asked these two People if they would write affidavits, they refused because of concerns of retaliation.

Wednesday April 30<sup>th</sup> 2014 the jury spoke to Greene County Sheriff Gregory R. Seely by phone to inquire as to who ordered the show of force at the court house but denied that anyone requested or that he sent additional officers and that they must have been court officers.

It is criminal for officers of the court to refuse the People due process, "*The law of the land is more clearly intended the general law, a law which hears before it condemns; which proceeds upon inquiry and renders judgment only after trial.*" [Dartmouth College Case, 4 Wheat, U.S. 518, 4 ED 629].

*Signed by* ORDER *and on behalf of the* UNIFIED COMMON LAW GRAND JURY *of* NEW YORK

April 29, 2014



Administrator

**NEW YORK SUPREME COURT, GREENE COUNTY**  
The People of New York

Coram Ipso Rege:

&

New York Unified Common Law Grand Jury

Coram Nobis:

-a-

STATE OF NEW YORK SUPREME COURT  
Holly Tanner, Richard Mabee Jonathan Lippman,  
Fern A. Fisher, Lawrence K. Marks, Barry Kamins,  
Ronald Younkins, A. Gail Prudenti, Raymond J. Elliott  
and Terence L Kindlon

Wrongdoers:<sup>1</sup>

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**GREEN COUNTY COURT  
RETURNED FILED  
DOCUMENTS**

**BILL OF INFORMATION<sup>2</sup>**

On April 25<sup>th</sup> 2014 the Supreme Court Clerk in violation of law returned prima fascia papers filed with the county court on April 24<sup>th</sup> 2014. Papers, attached being returned to file by sheriff:

- 1) Additional submission Information, this page dated April 29<sup>th</sup> 2014 2 pages
- 2) Summons received by clerk April 24<sup>th</sup> 2014 w/copy of mailed envelope 2 pages
- 3) Rescinded decision and order received by clerk April 24<sup>th</sup> 2014 2 pages
- 4) Writ of Error received by clerk April 24<sup>th</sup> 2014 4 pages
- 5) Fraud upon the court received by clerk April 24<sup>th</sup> 2014 3 pages
- 6) Additional submission two true bills dated April 29<sup>th</sup> 2014 2 pages
- 7) Additional submission Information, abuse of power dated April 29<sup>th</sup> 2014 2 pages

**The Constitution, and the laws of the United States shall be the SUPREME LAW OF THE LAND; and the judges in every state shall be bound thereby. -- US Constitution Article VI**

**18 USC § 2076 – Clerk is to file.**

<sup>1</sup> **WRONGDOER.** "One who commits an injury; a tort-feasor. The term ordinarily imports an invasion of right to the damage of the party who suffers such invasion". Merrill v. Comstock, 154 Wis. 434, 143 N.W. 313, 317.

<sup>2</sup> **BILL OF INFORMATION.** Where a suit is instituted on behalf of those of whom it has the custody by virtue of its prerogative, or whose rights are under its particular protection, the matter of complaint is offered to the court by way of information. The proceeding is by information and bill. Informations differ from bills in little more than name and form, and the same rules are substantially applicable to both. 3 Bl.Comm. 261.

**Article 4 section 1 of the Constitution for the United States of America** states: “Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state”. Violations are Criminal felony offenses pursuant to 18 USC §§ 241, 242, 1951, 2071 and others. Any Citizen who is aware of a felony offense being committed by any Public Official, in violation of the Constitution, is mandated to report it under **18 USC §4** - Misprision of felony: Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

**18 USC §1512** (b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to - (1) influence, **delay, or prevent the testimony of any person in an official proceeding**; (2) cause or induce any person to -- (A) withhold testimony, or **withhold a record, document, or other object, from an official proceeding**; (B) **alter, destroy, mutilate, or conceal** an object with intent to impair **the object’s integrity or availability for use in an official proceeding**; ... shall be fined under this title or imprisoned not more than 20 years, or both. (3) ... (c) Whoever corruptly—(1) **alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so**, with the intent **to impair the object’s integrity or availability for use in an official proceeding**; or (2) otherwise **obstructs, influences, or impedes any official proceeding**, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

**18 USC § 2071** - Concealment, removal, or mutilation generally – (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both. (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term “office” does not include the office held by any person as a retired officer of the Armed Forces of the United States.

**§175.05** Falsifying public records in the second degree is a class A misdemeanor. A person is guilty of falsifying public records in the second degree when, with intent to defraud, he: Makes or causes a false entry in the public records; or alters, erases, obliterates, deletes, removes or destroys a true entry in the public records; or Omits to make a true entry in the public records in violation of a duty to do so which he knows to be imposed upon him by law or by the nature of his position; or Prevents the making of a true entry or causes the omission thereof in the public records.

**§175.10** Falsifying public records in the first degree. A person is guilty of falsifying public records in the first degree when he commits the crime of falsifying public records in the second degree, and when his intent to defraud includes an intent to commit another crime or to aid or conceal the commission thereof.

**§175.20** Tampering with public records in the second degree. A person is guilty of tampering with public records in the second degree when, knowing that he does not have the authority of anyone entitled to grant it, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant. Tampering with public records in the second degree is a Class A misdemeanor.

**§ 175.25** A person is guilty of tampering with public records in the first degree when, knowing that he does not have the authority of anyone entitled to grant it, and with intent to defraud, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant. Tampering with public records in the first degree is a class D felony.

Since the papers were accepted by the County Clerk and sent up to Judge Raymond J. Elliott's chambers it is presumed that Judge Raymond J. Elliott ordered the papers returned to cleanse the file.

*Signed by* ORDER *and on behalf of the* UNIFIED COMMON LAW GRAND JURY *of* NEW YORK

April 29, 2014

  
\_\_\_\_\_  
Administrator