

# Unified<sup>1</sup> United States Common Law<sup>2</sup> Grand Jury:

P.O. Box 59; Valhalla, New York, 10595; Fax - (888) 891-8977

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## WRIT MANDAMUS<sup>3</sup> - ORDER TO SHOW CAUSE

United States District Court, Northern District of Florida

Chief District Judge M.C. Rodgers

401 SE 1st Ave #243, Gainesville, Florida 32601

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• Official proceeding 18 USC §1512 • Clerk is to file. 18 USC §2076 • Felony to conceal or remove 18 USC §2071

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**TO:** Judge M.C. Rodgers [faxed (352) 380-2424 and mailed]

**RE:** Habeas Corpus; Petitioner Terry George Trussell; Case No. 14000201CFAXMX.

On October 17<sup>th</sup> 2014 you were ordered to preside over and dispose of the aforesaid case according to the Law<sup>4</sup> of the Land<sup>5</sup>, whereas the petitioner by opening a court of record<sup>6</sup> was entitled thereto under the United States Constitution<sup>7</sup> and whereas the respondents failed to show cause and you failed to act.

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<sup>1</sup>**UNIFIED** - Every county in the state has constituted the Common Law Juries.; **CONSTITUTED** - The People of each county have come together to agreed and declared a return to Common Law Juries.

<sup>2</sup> **COMMON LAW** - Article VI - 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.

<sup>3</sup> **MANDAMUS. Lat.** We command. This is the name of a writ (formerly a high prerogative writ) which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official, or ministerial duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived. *Lahiff v. St. Joseph, etc., Soc.*, 76 Conn. 648, 57 A. 692, 65 L.R.A. 92, 100 Am.St.Rep. 1012.

<sup>4</sup> Law in its regular course of administration through courts of justice is due process. *Leeper vs. Texas*, 139, U.S. 462, 11 SUP CT. 577, 35 L ED 225. The United States Supreme Court stated further that all rights and safe guards contained in the first eight amendments to the federal constitution are equally applicable in every State criminal action, "because a denial of them would be a denial of due process of law." [*William Malloy vs. Patrick J. Jogan*, 378 U.S. 1, 84 S. Ct. 1489, argued Mar 5, 1964, decided June 15, 1964].

<sup>5</sup> By 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].

<sup>6</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; *Exparte 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> Article I Section 9. The privilege of the writ of habeas corpus shall not be suspended

**YOU ARE NOW HEREBY ORDERED** to Show Cause why you failed to act and do your sworn duty to dispose of the matter, while one of the People remains in prison without due process of law protected under the Fifth Amendment<sup>8</sup>.

Furthermore it has come to the attention of this body that there is an unlawful fictional hearing scheduled for October 30, 2014 by the Florida Circuit Court, Dixie County acting under chancery; a nisi prius court<sup>9</sup> not of record that has no power to fine or imprison<sup>10</sup> the People of these free united States of America.

Whereas on or about October 17<sup>th</sup> said case was moved into Federal District Court for cause. [See attached papers, 2 pages] Let We the People remind you of your duties here on the Land.

*"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] "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]*

Due-process of law demands that "no person shall be held to answer for a capital crime" unless on an indictment of a Grand Jury.<sup>11</sup> Terry George Trussell has not been indicted by a Grand Jury and therefore cannot be held to answer for a capital crime.

The un-codified common law is the superior law of the *people* and the codified civil law is the special or inferior law of the government and its agency. Because the United States Constitution guarantees to each state a republican form of government<sup>12</sup> (not a democracy)<sup>13</sup>, **Article IV, section 4, of the United States Constitution**, the law of the people outranks the law of the government.<sup>14</sup> Access to the common law is guaranteed by the U.S. Constitution.<sup>15</sup>

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<sup>8</sup> **Amendment V** of the Constitution of the United States provides: "No person shall---be deprived of life, liberty, or property without due process of law. A similar provision exists in all the state constitutions; the phrases "due course of law", and the "law of the land" are sometimes used; but all three of these phrases have the same meaning and that applies conformity with the ancient and customary laws of the English people or laws indicated by parliament; {Davidson V. New Orleans 96 U.S. 97, 24, L Ed 616}.

<sup>9</sup> **NISI PRIUS.** (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.

<sup>10</sup> **COURT OF RECORD.** Courts may be classified and divided according to several methods, the following being the more usual: Courts of record and courts not of record. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal. 225; Erwin v. U. S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

<sup>11</sup> **Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury,

<sup>12</sup> "Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.

<sup>13</sup> **Democracy.** That form of government in which the sovereign power resides in and is exercised by the whole body of free citizens directly or indirectly through a system of representation, as distinguished from a monarchy, aristocracy, or oligarchy. Black's Law Fifth Ed, pp. 388-389.

<sup>14</sup> This is exemplified in U.S. Constitution, Amendment VII, which prohibits any court's review of a determination of facts by a jury in law.

<sup>15</sup> Constitution for the United States of America, Amendment VII

Ignorance of the law, which everyone is bound to know, excuses no man,<sup>16</sup> gross negligence is equivalent to fraud<sup>17</sup> and the failure to exercise ordinary care finds the person<sup>18</sup> culpable. Therefore regardless of the ignorance by BAR attorneys, judges or those counseled by the same in that common law [US Constitution and the Bill of Rights] has been abrogated; failure to obey an order of the common law court, in this case writ of habeas corpus, obstructs the administration of justice and by definition is contempt of court.<sup>19</sup>

*"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them"* Miranda v. Arizona, 384 U.S. 436, 491

*"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.

**Article VI.** 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.

It has become clear that the purpose of the said "nisi prius" procedure<sup>20</sup> is to force Terry George Trussell to agree to the procedure in order to silence him from the reporting of crimes by imprisoning him and thereby the unlawful court committed fraud, RICO and extortion which has been well documented to have occurred in open court on the day of Terry George Trussell's arrest "in court".

It has also been reported, through many affidavits, to this body that the reason for the court's assault upon Terry George Trussell, one of the People of Florida, was because of the uncovering

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<sup>16</sup> **IGNORANTIA JURIS QUOD QUISQUE TENETUR SCIRE, NEMINEIYI EXCUSAT.** Ignorance of the [or a] law, which everyone is bound to know, excuses no man. A mistake in point of law is, in criminal cases, no sort of defense. 4 Bl. Comm. 27; 4 Steph.Comm. 81; Broom, Max. 253; 7 Car. & P. 456.; Hale, P.C. 42; Broom, Max. 267.; 1 Coke, 177; Broom, Max. 253.

<sup>17</sup> **LATA CULPA DOLO ZEQUIPARATUR.** [Blacks 4th] Gross negligence is equivalent to fraud.; There are in law three degrees of faults,—the gross, the slight, and the very slight fault. The gross fault is that which proceeds from inexcusable negligence or ignorance; it is considered as nearly equal to fraud. The slight fault is that want of care which a prudent man usually takes of his business. The very slight fault is that which is excusable, and for which no responsibility is incurred. Civil Code La. art. 3556, par. 13.

<sup>18</sup> **PERSON.** The word in its natural and usual signification includes women as well as men. Commonwealth v. Welosky, 276 Mass. 398, 177 N.E. 656.

<sup>19</sup> **CONTEMPT OF COURT.** Constructive (or indirect) contempts are those which arise from matters not occurring in or near the presence of the court, but which tend to obstruct or defeat the administration of justice, and the term is chiefly used with reference to the failure or refusal of a party to obey a lawful order, injunction, or decree of the court laying upon him a duty of action or forbearance. Maryott v. Maryott, 124 Neb. 274, 246 N.W. 343.

<sup>20</sup> **NISI PRIUS COURT** "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

of jury tampering, fraud on the court, RICO, and conspiracy while serving as the invited Jury Foreman of the said court.

Let notice be served upon all parties that there is an active investigation by this body on this matter and the full Grand Jury is being assembled to consider indictments on all involved. All those who have the power to stop the said criminal assault but in its stead turn a blind eye are guilty of felony rescue and enter the conspiracy thereby. All who would like to send us an affidavit in their own defense or as witness is welcomed and will be considered.

*“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

We expect to hear immediately as to the actions you have taken to restore Justice and your Honor.

Signed and so **ORDERED** by the People under SEAL October 29<sup>th</sup> 2014



Grand Jury Foreman

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