Memorandum of Law in Support for a Petition for a Writ of Habeas Corpus

1. The Petitioner was denied due process repeatedly
	1. The Indictment fails to say it is a “True Bill” therefore, the Indictment is NOT a “True Bill” and therefore a fake Indictment violating Texas Code of Criminal Procedure Article 1.05
	2. The Indictment was modified by the so-called Judge, which means it is NOT an Indictment but is instead an unsworn Criminal Complaint in violation of Texas Code of Criminal Procedure Article 1.05
	3. If a Grand Jury was even involved, there is no evidence that it was a properly constituted Grand Jury that failed to be government employees

**"An employee of United States is not qualified to serve as member of grand jury in any District."** UNITED STATES v. GRIFFITH et aI., 2 F.2d 925, (Court of Appeals of District of Columbia. Submitted October 9, 1924. Decided December 1, 1924.), No. 4114

and “federal personnel” is anybody who has a Social Security Number

**“(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).”** 5 USC § 552a.(a)(13) [emphasis added]

and there is no evidence that the petit jury in the trial failed to be “federal personnel” either

* 1. The fake Indictment fails to state that the Petitioner was previously licensed, which is a required element of the crime, to be charged with felony violation of The Texas Occupation Code §§ 155.001 & 165.152 and the Petitioner has never had a license to practice medicine
	2. The petit jury was tainted because a member of the jury was interviewed by the news media after the trial and he said that there was no evidence but they wanted to “make a statement”
	3. The Judge refused to grant bail even if it was $1,000,000
	4. The Judge modified the fake Indictment
	5. The Judge entered a plea over the Petitioner’s objections and in spite of his challenges to jurisdiction
1. Texas is under a military occupation since the War between the States

**“…Martial Law is the immediate and direct effect and consequence of occupation or conquest. The presence of a hostile army proclaims its Martial Law.”** Article 1, Lieber Code [emphasis added]

**“Territory is considered occupied when it is actually placed under the authority of the hostile army..”** Law and Customs of War on Land (Hague IV), Article 42

and the ONLY way the military occupation can end is by specific mention in the Treaty of Peace, or by Proclamation by the Commander in Chief

**“Martial Law does not cease during the hostile occupation, except by special proclamation, ordered by the commander in chief; or by special mention in the treaty of peace concluding the war,….”** Article 2, Lieber Code [emphasis added]

and there was no treaty of peace with Texas, and the President of the United States has failed to make any proclamations about ending the military occupation, therefore certain Articles of the Geneva Convention Relative to the Protection of Civilians in a Time of War of 1949 apply

**“…..the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise…..**

**…The Convention shall also apply to all cases of partial or total occupation of the territory ….”** Article 2, Geneva Convention Relative to the Protection of Civilians in Time of War of 1949 [emphasis added]

and certain provisions of the Geneva Convention Relative to the Protection of Civilians in Time of War of 1949 apply for the duration of the occupation

**“**.**…. however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.”** Article 6, Geneva Convention Relative to the Protection of Civilians in Time of War of 1949 [emphasis added]

all police are military police

**“Martial Law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader, and refers mainly to the support and efficiency of the army, its safety, and the safety of its operations.”** Lieber Code, Article 10

and they all wear military uniforms and use military rank structures and are also armed, therefore, ANY interaction between the Petitioner and the military police is warfare and an armed conflict

**"A mixed war is one which is made on one side by public authority, and the other by mere private persons."** Black's Law Dictionary 5th Ed., page 1420

and since the Petitioner is a PEACEFUL non-combatant, the Petitioner is further protected by the Geneva Convention Relative to the Protection of Civilians in a Time of War of 1949, and has a right to my political opinions, and a right NOT to participate in their satanic religious ceremony/court case/kangaroo court under Article 27,

**“Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs.**

**…all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.”**, [emphasis added],

and based on the statements of some of the jurors to the news media, in the so-called jury trial, they are taking reprisals against the Petitioner in violation of Article 33, another war crime,

**“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.**

**Pillage is prohibited.**

**Reprisals against protected persons and their property are prohibited.”** Article 33, Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 [emphasis added]

and they pillaged his bank accounts and his airplane and used threats, intimidation and terrorism against him in violation of Article 33, to coerce information from him and third parties (banks) to facilitate their pillaging in violation of Article 31

**“No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.”** Article 31, Geneva Convention Relative to the Protection of Civilians in a Time of War of 1949

and they denied the Petitioner a neutral and unbiased judge in any proceedings under yourInternational Covenant on Civil and Political Rights, Article 14, Clause 1.

**“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”** International Covenant on Civil and Political Rights, Article 14, Clause 1

**“It is a fundamental right of a party to have a neutral and detached judge preside over the judicial proceedings.”** Ward v Village of Monroeville, 409 U.S. 57, 61-62, 93 S.Ct 80, 83, 34 L.Ed. 2d 267 (1972); Tumey v Ohio, 273 U.S. 510, 5209, 47 S. Ct. 437, 440, 71 L.Ed. 749 (1927)

**“No one shall be subjected to arbitrary arrest, detention or exile.”** Article 9, Universal Declaration of Human Rights [emphasis added]

which is also another War Crime under Article 71

**“No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial….”** Article 71 Geneva Convention Relative to the Protection of Civilians in a Time of War of 1949

and they failed to provide a neutral and unbiased judge but instead provide one of their (bought and paid for) Clerks masquerading as Judges as described herein, another war crime, and all of this is consistent with the Lieber Code

**“All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.**

**A soldier, officer or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.”** Article 44, Lieber Code [emphasis added]

but instead subjected him to a Military Commission

**“Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.**

**In the armies of the United States the first is exercised by courts-martial, while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by statute on courts-martial, are tried by military commissions.”** Lieber Code Article 13

1. They engaged in fraud upon the court

**"Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted, or influenced, or influence is attempted, or where the judge has not performed his judicial function --- i.e., where the impartial functions of the court have been directly corrupted.“** Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985)

in violation of 28 USC § 455

**“(a)Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.**

**(b)He shall also disqualify himself in the following circumstances:(1)Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;**

**(4)He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;**

**(5)He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:(i)Is a party to the proceeding, or an officer, director, or trustee of a party;**

**(ii)Is acting as a lawyer in the proceeding;**

**(iii)Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;**

**(iv)Is to the judge’s knowledge likely to be a material witness in the proceeding.”** 28 USC § 455

1. Martial Law ONLY applies to subjects and aliens

**“Martial Law extends to property, and to persons, whether they are subjects of the enemy or aliens to that government.”** Lieber Code, Article 7

and subjects are government employees and corporations and anything created by the government

**“All subjects over which the sovereign power of the state extends are objects of taxation, but those over which it does not extend are exempt from taxation. This proposition may also be pronounced as self-evident. The sovereignty of the state extends to everything which exists by its authority or its permission.”** McCullough v Maryland, 17 U.S. [4 Wheat] 316 (1819). [emphasis added]

**"The term resident and citizen of the United States is distinguished from a Citizen of one of the several states, in that the former is a special class of citizen created by Congress."** U.S. v. Anthony 24 Fed. 829 (1873)

**“The Congress shall have power to dispose of and make all needful rules and regulations respecting the…. other property belonging to the United States…...”** Article 4, Section 3, Clause 2, Constitution for the United States of America

**“Section 2 Definitions (1) In this Act,**

***owned* means, subject to the regulations,…..;”** Canadian Ownership and Control Determination Act,

1. A US citizen is a cestui que trust

**"The term resident and citizen of the United States is distinguished from a Citizen of one of the several states, in that the former is a special class of citizen created by Congress."** U.S. v. Anthony 24 Fed. 829 (1873)

**“Chap. 854. – An Act to establish a code of law for the District of Columbia.”** which was Approved on March 3, 1901, by the Fifty-Sixth Congress, Session II, at 31 Stat. 1189, and at 2, where it says;

**“And be it further enacted, That in the interpretation and construction of said code the following rules shall be observed namely:…**

**“Third. The word “person” shall be held to apply to partnerships and corporations, …”, [emphasis added]**

**and at** Chapter Fifty-Six in Sec. 1617, at 31 Stat. 1432 it says;

**“The Legal Estate to be in Cestui Que Use”**

and they presume you are dead at Chapter three – Absence for Seven Years, in Sec. 252, at 31 Stat. 1230, where it says;

**“SEC. 252. PRESUMPTION OF DEATH. - If any person shall leave his domicile without any known intention of changing the same, and shall not return or be heard from for seven years from the time of his so leaving, he shall be presumed to be dead, in any case wherein his death shall come in question, unless proof be made that he was alive within that time.”**

all of which is codified at your

**15 USC § 44 Definitions; “Corporation” “shall be deemed to include any company, trust, so-called Massachusetts trust, or association, incorporated or unincorporated, which is organized to carry on business for its own profit or that of its members, and has shares of capital or capital stock or certificates of interest, and any company, trust, so-called Massachusetts trust, or association, incorporated or unincorporated, without shares of capital or capital stock or certificates of interest, except partnerships, which is organized to carry on business for its own profit or that of its members.”**

**“(2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent residence;”** 5 USC § 552a.(a)(2)

and all government employees have Social Security Numbers, and anyone with a Social Security Number is “federal personnel”

**“(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).”** 5 USC § 552a.(a)(13)

all of which is affirmed by the courts

**". . . (E)very taxpayer is a cestui qui trust having sufficient interest in the preventing abuse of the trust to be recognized in the field of this court's prerogative jurisdiction . .”** In Re Bolens (1912), 135 N.W. 164.

**A “*citizen of the United States*” is a civilly dead entity operating as a co-trustee and co-beneficiary of the *PCT (Public Charitable Trust)*, the constructive, *cestui que trust* of US Inc. under the 14th Amendment, which upholds the debt of the USA and US Inc.** Congressional Record, June 13 1967, pp. 15641-15646

**"...it might be correctly said that there is no such thing as a citizen of the United States. ..... A citizen of any one of the States of the Union, is held to be, and called a citizen of the United States, although technically and abstractly there is no such thing."** Ex Parte Frank Knowles, 5 Cal. Rep. 300,

**"Therefore, the U.S. citizens residing in one of the states of the union, are classified as property and franchises of the federal government as an "individual entity."** Wheeling Steel Corp. v. Fox, 298 U.S. 193, 80 L. Ed. 1143, 56 S. Ct. 773

**“A “US Citizen” upon leaving the District of Columbia becomes involved in “interstate commerce”, as a “resident” does not have the common-law right to travel, of a Citizen of one of the several states.”** Hendrick v. Maryland S.C. Reporter’s Rd. 610-625. (1914)

**"The only absolute and unqualified right of a United States citizen is to residence within the territorial boundaries of the United States,"** US vs. Valentine 288 F. Supp. 957

1. The cestui que trust was originated with the Roman Cult

**“Yet still it was found difficult to set bounds to ecclesiastical ingenuity; for when they were driven out of all their former holds, they devised a new method of conveyance, by which the lands were granted, not to themselves directly, but to nominal feoffees *to the use* of the religious houses; thus distinguishing between the *possession* and the *use,* and receiving the actual profits, while the seisin of the lands remained in the nominal feoffee, who was held by the courts of equity (then under the direction of the clergy) to be bound in conscience to account to his *cestui que use* for the rents and emoluments of the estate: and it is to these inventions that our practitioners are indebted for the introduction of uses and trusts, the foundation of modern conveyancing.”** Tomlins Law Dictionary 1835 edition, Volume 2 under the definition of Mortmain

and the part about the “rents and emoluments of the estate” is talking about taxes.

1. The Petitioner is a man who fails to be a government employee, a cestui que trust, or other fictitious entity, and is not interested in receiving any government so-called benefits and no evidence was introduced into the case, to the contrary

**"It is impossible to prove jurisdiction exists absent a substantial nexus with the state, such as voluntary subscription to license.  All jurisdictional facts supporting claim that supposed jurisdiction exists must appear on the record of the court."**  Pipe Line v Marathon. 102 S. Ct. 3858 quoting Crowell v Benson 883 US 22

and the Petitioner challenged jurisdiction numerous times, all of which denied.

1. The Petitioner can be a Citizen of a State without being a US citizen

**"there is in our Political System, a government of each of the several states and a government of the United States  Each is distinct from the other and has citizens of its own."** US vs. Cruikshank, 92 US 542,

**“A person who is a citizen of the United States\*\* is necessarily a citizen of the particular state in which he resides. But a person may be a citizen of a particular state and not a citizen of the United States\*\*. To hold otherwise would be to deny to the state the highest exercise of its sovereignty, -- the right to declare who are its citizens.”** State v. Fowler, 41 La. Ann. 380 6 S. 602 (1889), [emphasis added]

**"One may be a citizen of a State and yet not a citizen of the United States. Thomasson v State, 15 Ind. 449; Cory v Carter, 48 Ind. 327 (17 Am. R. 738); McCarthy v. Froelke, 63 Ind. 507; In Re Wehlitz, 16 Wis. 443."** Mc Donel v State, 90 Ind. Rep. 320 at pg 323;

**Both before and after the 14th Amendment to the Federal Constitution it has not been necessary for a person to be a citizen of the U.S. in order to be a citizen of his State;** Crosse v. Board of Supervisors, Baltimore, Md., 1966, 221 A. 2d 431 citing US Supreme Court Slaughter House Cases and U.S. v. Cruikshank 92 US 542, 549, 23 L. Ed 588 1875:

**"There are two classes of citizens, citizens of the United States and of the State. And one may be a citizen of the former without being a citizen of the latter";** Gardina v. Board of Registers 48 So. 788, 169 Ala. 155 1909:

**"...that there was a citizenship of the United States and a citizenship of the states, which were distinct from each other, depending upon different characteristics and circumstances in the individual; that it was only privileges and immunities of the citizens of the United States that were placed by the amendment under the protection of the Federal Constitution, and that the privileges and immunities of a citizen of a state, whatever they might be, were not intended to have any additional protection by the paragraph in question, but they must rest for their security and protection where they have heretofore rested."** Maxwell v Dow, 20 S.C.R. 448, at pg 451

**"Taxpayers are not State Citizens."** Belmont v. Town of Gulfport, 122 So. 10.

**"State citizens are the only ones living under free government, whose rights are incapable of impairment by legislation or judicial decision."** Twining v. New Jersey, 211 U.S. 97, 1908

**"State Citizenship is a vested substantial property right, and the State has no power to divest or impair these rights."** Favot v. Kingsbury, (1929) 98 Cal. App. 284, 276 P. 1083

**"The state citizen is immune from any and all government attacks and procedure, absent contract." see, Dred Scott vs. Sanford, 60 U.S. (19 How.) 393 or as the Supreme Court has stated clearly, “…every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent.”** CRUDEN vs. NEALE, 2 N.C. 338 2 S.E. 70, [emphasis added]

**“The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government.”** City of Dallas v Mitchell, 245 S.W. 944

**"The people or sovereign are not bound by general word in statutes, restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King or the people. The people have been ceded all the rights of the King, the former sovereign,.."** People v Herkimer, 4 Cowen (NY) 345, 348 (1825)

1. There are 2 national governments

**“Two national governments exist, one to be maintained under the Constitution, with all its restrictions, the other to be maintained by Congress outside and independently of that instrument”** Dissenting opinion of Justice Marshall Harlan. Downes v. Bidwell, 182 U.S. 244 1901.

1. The ONLY way for any court to obtain jurisdiction is by way of contract

**"It is impossible to prove jurisdiction exists absent a substantial nexus with the state, such as voluntary subscription to license.  All jurisdictional facts supporting claim that supposed jurisdiction exists must appear on the record of the court."**  Pipe Line v Marathon. 102 S. Ct. 3858 quoting Crowell v Benson 883 US 22

and the Petitioner has never had a license to practice medicine

**"...those things which are considered as inalienable rights which all citizens possess cannot be licensed since those acts are not held to be a privilege."** City of Chicago v. Collins, 51 N.E. 907, 910

**"The State cannot diminish rights of the people."** Hertado v. California, 110 U.S. 516

**"Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself."** Mugler v. Kansas 123 U.S. 623, 659-60

**"The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice."** Davis v. Wechsler, 263 U.S. 22, 24.

1. There is no evidence that the Petitioner has consented to be a US citizen slave

**"The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but the individuals' rights to live and own property are natural rights for the enjoyment of which an excise cannot be imposed.“** Redfield v. Fisher, 292 P. 813, 135 Or. 180, 294 P.461, 73 A.L.R. 721 (1931)

**"The term resident and citizen of the United States is distinguished from a Citizen of one of the several states, in that the former is a special class of citizen created by Congress."** U.S. v. Anthony 24 Fed. 829 (1873)

**“All subjects over which the sovereign power of the state extends are objects of taxation, but those over which it does not extend are exempt from taxation. This proposition may also be pronounced as self-evident. The sovereignty of the state extends to everything which exists by its authority or its permission.”** McCullough v Maryland, 17 U.S. [4 Wheat] 316 (1819). [emphasis added]

and the exemptions of the Petitioner are also called immunities and the Petitioner has been subjected to the deprivation of his immunities under color of law

**“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, …….. shall be fined under this title or imprisoned not more than one year, or both; ………”**18 USC § 242 Violating Rights under Color of Law [emphasis added]

and the evidence shows that there is a conspiracy to threaten, intimidate, injure, and oppress the Petitioner in the free exercise of his rights, that are secured to him by the Constitution and laws of the United States

**“If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; …They shall be fined under this title or imprisoned not more than ten years, or both; …”** 18 USC § 241 Conspiracy to Violate Rights under Color of Law [emphasis added]

1. The boundaries of the District of Columbia expand as needed into all of the States for US citizens

**"We therefore decline to overrule the opinion of Chief Justice Marshall: We hold that the District of Columbia is not a state within Article 3 of the Constitution. In other words cases between citizens of the District and those of the states were not included of the catalogue of controversies over which the Congress could give jurisdiction to the federal courts by virtue of Article 3. In other words Congress has exclusive legislative jurisdiction over citizens of Washington District of Columbia and through their plenary power nationally covers those citizens even when in one of the several states as though the district expands for the purpose of regulating its citizens wherever they go throughout the states in union"** National Mutual Insurance Company of the District of Columbia v. Tidewater Transfer Company, 337 U.S. 582, 93 L.Ed. 1556 (1948)

**"If any citizen or resident of the United States does not reside in (and is not found in) any United States Judicial District, such citizen or resident shall be treated as residing in The District of Columbia for purposes of any provisions of this Title to “ (A) jurisdiction of courts, or (B) enforcement of summons."** 26 USC § 7701(39) see also 26 USC § 7408(C)

**"In this state" means within the exterior limits of Texas and includes all territory within these limits ceded to or owned by the United States.”** Texas Tax Code Section 151.004 ‘In This State’

1. When a Judge is dealing with a statute, he ceases to be a Judge and becomes a (bought and paid for) Clerk masquerading as a Judge

**“"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts administrating or enforcing statutes do not act judicially, but merely ministerially….but merely act as an extension as an agent for the involved agency -- but only in a “ministerial” and not a “discretionary capacity...”** Thompson v. Smith, 154 S.E. 579, 583; Keller v. P.E., 261 US 428; F.R.C. v. G.E., 281, U.S. 464 [emphasis added]

**"It is the accepted rule, not only in state courts, but, of the federal courts as well, that when a judge is enforcing administrative law they are described as mere 'extensions of the administrative agency for superior reviewing purposes' as a ministerial clerk for an agency..."** 30 Cal 596; 167 Cal 762

**"...judges who become involved in enforcement of mere statutes (civil or criminal in nature and otherwise), act as mere "clerks" of the involved agency..."** K.C. Davis, ADMIN. LAW, Ch. 1 (CTP. West's 1965 Ed.)

and all statutes (State or Federal) are under Martial Law

**“Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.**

**In the armies of the United States the first is exercised by courts-martial, while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by statute on courts-martial, are tried by military commissions.”** Lieber Code Article 13 [emphasis added]

**“INTERNATIONAL LAW RULE: *Adopted for areas under Federal legislative jurisdiction”* “*Federalizes State civil law, including common law*.--The rule serves to federalize not only the statutory but the common law of a State. Kniffen v. Hercules Powder Co., 164 Kan. 196, 188 P.2d 980 (1948); Kaufman v. Hopper, 220 N.Y. 184. 115 N.E. 470 (1917), see also 151 App. Div. 28, 135 N.Y.Supp. 363 (1912), aff'd., 163 App. Div. 863, 146 N. Y. Supp. 1096 (1914); Norfolk & P.B.L.R. v. Parker,…STATE AND FEDERAL VENUE DISCUSSED: The civil laws effective in an area of exclusive Federal jurisdiction are Federal law, notwithstanding their derivation from State laws, and a cause arising under such laws may be brought in or removed to a Federal district court under sections 24 or 28 of the former Judicial Code (now sections 1331 and 1441 of title 28, United States Code), giving jurisdiction to such courts of civil actions arising under the "\* \* \*laws \* \* \* of the United States" where the matter in controversy exceeds the sum or value of $3,000, exclusive of interest and costs.”** Jurisdiction over Federal Areas Within the States– Report of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas Within the States, Part II, A Text of the Law of Legislative Jurisdiction Submitted to the Attorney General and Transmitted to the President June 1957, page 158-165 [emphasis added]

and therefore because of the Martial Law, are for subjects and aliens ONLY

**“Martial Law extends to property, and to persons, whether they are subjects of the enemy or aliens to that government.”** Lieber Code, Article 7

and subjects are government employees and corporations and anything created by the government

**“All subjects over which the sovereign power of the state extends are objects of taxation, but those over which it does not extend are exempt from taxation. This proposition may also be pronounced as self-evident. The sovereignty of the state extends to everything which exists by its authority or its permission.”** McCullough v Maryland, 17 U.S. [4 Wheat] 316 (1819). [emphasis added]

**"The term resident and citizen of the United States is distinguished from a Citizen of one of the several states, in that the former is a special class of citizen created by Congress."** U.S. v. Anthony 24 Fed. 829 (1873)

**“The Congress shall have power to dispose of and make all needful rules and regulations respecting the…. other property belonging to the United States…...”** Article 4, Section 3, Clause 2, Constitution for the United States of America [emphasis added]

**“Section 2 Definitions (1) In this Act,**

***owned* means, subject to the regulations,…..;”** Canadian Ownership and Control Determination Act,

1. Judges operating under statutes are NOT operating in their official capacity, but are operating in their private capacity as a revenue officer under the Federal Tax Lien Act of 1966

**“OATH….All oaths must be lawful, allowed by the common law, or some statute; if they are administered by persons in a private capacity, or not duly authorized, they are *coram non* *judice,* and void; and those administering them are guilty of a high contempt, for doing it without warrant of law, and punishable by fine and imprisonment. 3 *Inst.* 165; 4 *Inst.* 278; 2 *Roll. Abr. 277.”***Tomlin’s Law Dictionary, 1835 Edition, Volume 2 [emphasis added],

**“Officers of the court have no immunity, when violating a constitutional right, for they are deemed to know the law.”** Owens v Independence 100 S.C.T. 1398 (Ezra 7:23-26)

**“Judge loses his absolute immunity from damage actions only when he acts in clear absence of all jurisdiction or performance of an act which is not judicial in nature.”** Schucker v. Rockwood, 846 F.2d 1202

**“When enforcing mere statutes, judges of all courts do not act judicially” and thus are not protected by “qualified” or “limited immunity,”** SEE: Owen v. City, 445 U.S. 662; Bothke v. Terry, 713 F2d 1404

Judges operating as Clerks have walked away from their immunity and are personally responsible in their private capacity and they are personally profiting as revenue officers

**“Neither officers nor soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate. Offenses to the contrary committed by commissioned officers will be punished with cashiering or such other punishment as the nature of the offense may require; if by soldiers, they shall be punished according to the nature of the offense.”** Article 46, Lieber Code [emphasis added]

1. When a Judge is operating as a (bought and paid for) Clerk masquerading as a Judge he is incompetent to do anything judicial and if he attempts to do anything judicial like issue orders, it is a nullity

**"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities"** Burns v. Sup., Ct., SF, 140 Cal. 1

1. Jurisdiction was challenged from the beginning and once challenged, jurisdiction must be proven and jurisdiction was challenged and never proven, just denied because the Judge was a (bought and paid for) Clerk

**"Jurisdiction can be challenged at any time," and "Jurisdiction, once challenged, cannot be assumed and must be decided."** Basso v. Utah Power & Light Co. 395 F 2d 906, 910

**"...[H]owever late this objection [to jurisdiction] has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, BEFORE any court can move ONE FURTHER STEP IN THE CAUSE; as any movement is necessarily the exercise of jurisdiction." Rhode Island Massachussetts, 37 U.S. 657, 718, 9 L.Ed. 1233 (1838).**

**"Once challenged, jurisdiction cannot be assumed, it must be proved to exist."** Stuck v. Medical Examiners 94 Ca 2d 751. 211 P2d 289

**"There is no discretion to ignore that lack of jurisdiction."** Joyce v. US, 474 F2d 215

**"Where jurisdiction is contested, the burden of establishing it rests upon the plaintiff."** Loos v American Energy Savers, Inc., 168 I11.App.3d 558, 522 N.E.2d 841(1988)

**"the burden of proving jurisdiction rests upon the party asserting it."** Bindell v City of Harvey, 212 Ill.App.3d 1042, 571 N.E.2d 1017(1st Dist. 1991)

**"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted."** Lantana v. Hopper,102 F. 2d 188; Chicago v. New York 37 FSupp. 150

1. When there are denials of due process, the court loses subject matter jurisdiction

**"Not every action by any judge is in exercise of his judicial function.  It is not a judicial function for a Judge to commit an intentional tort even though the tort occurs in the Courthouse,” when a judge acts as a Trespasser of the Law, when a judge does not follow the law, the judge loses subject matter jurisdiction and The Judge's orders are void, of no legal force or effect!** Yates Vs. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962)

**"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal."** Hill Top Developers v. Holiday Pines Service Corp. 478 So. 2D, 368 Fla a DCA 1985)

1. The Judgment in this case is a void Judgment and a fraud

"**Where there is no jurisdiction there is no judge; the proceeding is as nothing. Such has been the law from the days of the Marshalsea, 10 Coke 68; also Bradley v. Fisher, 13 Wall 335,351."** Manning v. Ketcham, 58 F.2d 948.

**“A void judgment is one which, from its inception, was a complete nullity and without legal effect”** Lubben v. Selective Service System Local Bd. No. 27,  453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972).  Hobbs v. U.S. Office of Personnel Management,  485 F.Supp. 456 (M.D. Fla. 1980)

**“Void judgment is one which has no legal force or effect whatever, it is an absolute nullity, its invalidity may be asserted by any person whose rights are affected at any time and at any place and it need not be attacked directly but may be attacked collaterally whenever and wherever it is interposed.”**  City of Lufkin v. McVicker,  510 S.W. 2d 141 (Tex. Civ. App. – Beaumont 1973)

**“A void judgment, insofar as it purports to be pronouncement of  court, is an absolute nullity”** Thompson v. Thompson,  238 S.W.2d 218 (Tex.Civ.App. – Waco 1951)

**Once a fraud, always a fraud.”** 13 Vin. Abr. 539

**“Things invalid from the beginning cannot be made valid by subsequent act.”** Trayner, Max. 482. Maxims of Law, Black’s Law Dictionary 9th Edition, page 1862

**“A thing void in the beginning does not become valid by lapse of time.”** 1 S. & R. 58. Maxims of Law, Black’s Law Dictionary 9th Edition, page 1866

**Time cannot render valid an act void in its origin.** Dig. 50, 17, 29; Broom, Max. 178, Maxims of Law, Black’s Law Dictionary 9th Edition, page 1862

**“Ex dolo malo non oritur action. Out of fraud no action arises. Cowper, 343; Broom’s Max. 349.”** Bouvier’s Maxims of Law, 1856

and any act by any government official to conceal the fraud becomes an act of fraud;

**“fraus est celare fraudem. It is a fraud to conceal a fraud. 1 Vern. 270.”** Bouvier’s Maxims of Law 1856

and fraud is inexcusable and unpardonable;

**“Fraus et dolus nemini patrocianari debent. Fraud and deceit should excuse no man. 3 Co. 78.”** Bouvier’s Maxims of Law 1856

and any fraud amounts to injustice;

**“Fraus et jus nunquam cohabitant. Fraud and justice never dwell together.”** Maxims of Law, Black’s Law Dictionary, 9th Edition, page 1832

**“Quod alias bonum et justum est, si per vim vei fraudem petatur, malum et injustum efficitur. What is otherwise good and just, if sought by force or fraud, becomes bad and unjust. 3 Co. 78.”** Bouvier’s Maxims of Law, 1856

1. The Petitioner can attack a void judgment at any time or place, collaterally, or otherwise

**“Void order may be attacked, either directly or collaterally, at any time”**  In re Estate of Steinfield, 630 N.E.2d 801, certiorari denied, See also Steinfeld v. Hoddick, 513 U.S. 809, (Ill. 1994)

It is never too late to raise the issue of nullity and a person can ignore the void order or claim and raise it as a defence when necessary (*Wandsworth London Borough Council v. Winder* [1985] A.C. 461; *Smurthwaite v Hannay*[1894] A.C. 494;  Upjohn LJ in *Re Pritchard (deceased)*[1963]; Lord Denning in *MacFoy v United Africa Co. Ltd.*[1961]).

1. The Judgment is brutum fulmen

*“***brutum fulmen***”:* **“An empty noise; an empty threat.  A judgment void upon its face which is in legal effect no judgment at all, and by which no rights are divested, and from which none can be obtained; and neither binds****nor bars anyone.  Dollert v. Pratt-Hewitt Oil Corporation, Tex.Civ.Appl,****179 S.W.2d 346, 348. *Also, see* Corpus Juris Secundum, “Judgments”** **§§ 499, 512 546, 549.**Black’s Law Dictionary, 4th Edition

1. The so-called court was a kangaroo court

**“Kangaroo court. Term descriptive of a sham legal proceeding in which a person's rights are totally disregarded and in which the result is a foregone conclusion because of the bias of the court or other tribunal.”** Black’s Law Dictionary, 6th Edition, page 868

1. King George signed the Definitive Treaty of Peace of 1793 as Arch-Treasurer and Prince Elector of the Holy Roman Empire, and the United States of America, which means that the War of Independence was orchestrated by the Roman Cult Jesuits, and it says that King George was Arch Treasurer and Prince Elector of the United States of America, and Queen Elizabeth is his successor, therefore all Judges are taking instructions from the Queen of England, and the Roman Cult, and therefore hold an allegiance to a foreign power, especially since the BAR is domiciled in the City of London

**INNS OF COURT - "These are certain private unincorporated associations, in the nature of collegiate houses, located in London, and invested with the exclusive privilege of calling men to the bar;..."** Black's Law Dictionary, 5th Edition page 709.

1. The so-called judge was a BAAL priest in a satanic religious ceremony operating in his private capacity under the Federal Tax Lien Act of 1966, for his Roman Cult handlers, and the Petitioner has a right to fail to participate in their satanic religious ceremony under Article 27 of the Geneva Convention Relative to the Protection of Civilians in a time of War of 1949, another War Crime.
2. They have forged the Petitioner’s signature onto a contract under their UNIDROIT controlled and directed Uniform Commercial Code

**"But individuals, when acting as representatives of a collective group, cannot be said to be exercising their personal rights and duties, nor be entitled to their purely personal privileges. Rather they assume the rights, duties and privileges of the artificial entity or association of which they are agents or officers and they are bound by its obligations."** *Brasswell v. United States* 487 U.S. 99 (1988) quoting, *United States v. White* 322 U.S. 694 (1944),

**“Whenever [the Uniform Commercial Code] creates a "presumption" with respect to a fact, or provides that a fact is "presumed," the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.”** Texas Business and Commerce Code § 1.206 Presumptions [emphasis added]

**“(a) In an action with respect to an instrument, the authenticity of, and authority to make, each signature on the instrument are admitted unless specifically denied in the pleadings. If the validity of a signature is denied in the pleadings, the burden of establishing validity is on the person claiming validity, but the signature is presumed to be authentic and authorized unless the action is to enforce the liability of the purported signer and the signer is dead or incompetent at the time of trial of the issue of validity of the signature.”** Texas Business and Commerce Code § 3.308 Proof of Signatures and Status as Holder in Due Course [emphasis added]

presumptions are not a means of escaping constitutional restrictions

**“The power to create presumptions is not a means of escape from constitutional restrictions.”** Bailey v Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215,

and then securitized it and sold it on wall street

**“The following rules apply in an action on a certificated security against the issuer:**

**(1) Unless specifically denied in the pleadings, each signature on a security certificate or in a necessary indorsement is admitted.**

**(2) If the effectiveness of a signature is put in issue, the burden of establishing effectiveness is on the party claiming under the signature, but the signature is presumed to be genuine or authorized.”** Texas Business and Commerce Code § 8.114 Evidentiary Rules Concerning Certificated Securities [emphasis added]

all of which is designed to sell the Petitioner into slavery as surety for their Roman Cult cestui que trust (US citizen)

**He [the prisoner] has as a consequence of his crime, not only forfeited his liberty but all his personal rights except those which the law in its humanity affords him. He is for the time being a slave of the state.”** 62 Va. (21 Gratt.) 790, 796 (1871)

another War Crime

**“The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation, if not redressed upon complaint.**

**The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.”** Article 58 Lieber Code

**“If a man be found stealing any of his brethren of the children of Israel, and maketh merchandise of him, or selleth him ; then that thief shall die; and thou shalt put evil away from among you.”** Deuteronomy 24:7

**"In doing this, I shall have occasion incidentally to evince, how true it is that States and Governments were made for man, and, at the same time, how true it is that his creatures and servants have first deceived, next vilified, and, at last oppressed their master and maker."** Chisholm v Georgia, 2 Dal. 419 at p 455

**"A state like a merchant makes a contract. A dishonest state, like a dishonest merchant willfully refuses to discharge it."** Chisholm v Georgia, 2 Dal. 419 at p 456

1. It is NOT discretionary for the court to grant this Petition

**A person affected by both a void or voidable order has the right – ex debito justitiae – to have the order set aside (which means that the Court does not have discretion to refuse to set aside the order or to go into the merits of the case)** (Lord Greene in *Craig v Kanssen* [1943])

Although an appeal is not necessary to set aside a void order, if permission to appeal is requested and if out of time the Court should grant permission because time does not run because the order is void and the person affected by it has the right to have it set aside (Lord Greene in *Craig v Kanssen*[1943].

All of which is submitted under penalty of perjury [28 USC § 1741 (1)] without UNITED STATES

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Date Joseph Andrew Dirruzo