Unified New York Common Law Grand Jury

Psa 89:14 Justice and judgment are the habitation of thy throne: mercy and truth shall go before thy face.

• **Fax (888) 891-8977**

October 15, 2013

MEMORANDUM

TO be distributed to "All" County Clerks, "All" Chief Court Clerks, "All" Administrative Judges, and, "All" District Executives. Without delay!

FROM: Bronx, Columbia, Dutchess, Greene, Kings, Monroe, Nassau, New York, Niagara, Orange, Putnam, Queens, Rockland, Schenectady, Suffolk, Ulster, and Westchester Counties Common Law Grand Juries.

SUBJECT: Common Law Grand Juries and their unalienable right of consent.

MESSAGE: On October 11, 2013 the Unified Grand Jury dispatched a small committee to five counties to test the access into the People's courts and was to file the same day, indictments upon clerks and judges if access was not achieved. Although access was not achieved due to extenuating circumstances the committee decided to call together the Grand Jury because it was observed by the committee that the clerks were under a strong hold by the judges. The Grand Jury after hearing the report agreed and decided that to indict the court clerks would be unjust considering they were not elected or appointed and were acting under "orders" from judges and the threat of losing their employment. We also decided that the Elected County Clerks were not in a position to prevent or permit the people access into their buildings either.

It is the intention of the Grand Jury to file indictments against Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan, D Scheinkman if they fail to step aside by the end of the week.

We ask that all the recipients of this memorandum read the attached letter in order that they understand the "Constitutional Crisis" America is facing.

ATTACHMENTS: Copy of letter sent to Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan, D Scheinkman:

Unified New York Common Law Grand Jury

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October 15, 2013

Judge A. Gail Prudenti
Judge Michael V. Coccoma
Judge C. Randall Hinrichs
Judge Allan, D. Scheinkman.

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Dear Servants;

The People of New York are endowed by their Creator with certain unalienable Rights[1]. To secure these rights, Governments are instituted among Men, deriving their just powers from the "CONSENT OF THE GOVERNED". Whenever any appointed or elected servant becomes destructive of these ends, it is the Duty (Right) of the Consentors (Grand Jury) to remove such servants and appoint or elect new servants.

Prudence indeed dictates that presentments against elected and appointed servants should not be charged for light and transient causes; but, when a long train of abuses and usurpations finds the People under absolute Despotism, it is the right, it is the duty of the People (Grand Jury) to remove such disobedient servants and provide new Guards for their future security. Such has been the patient sufferance of the People of New York; and such is now it may be necessary to change the guard by a "True Bill". To prove this, let the Facts be submitted to a candid world.

> Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have conspired to supplant the unalienable right of We the People to lawfully assemble as consentors under a common cause to protect the unalienable rights of the People of New York as constitutionally prescribed and protected under the Fifth and other Amendments.
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> Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have refused their Assent to the Law of the Land, the most wholesome, and necessary for the public good.
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> Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have blocked the Peoples' access to take their rightful seat as Consentors.
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> Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have opposed the rights of the People to consent or deny.

[1] **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.--

Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have obstructed the Administration of Justice by the People.

Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have obstructed the Consentors access to the court by conspiring, reporting false charges, and issued orders to reject Grand Jury filings to all New York Court Clerks and County Clerks.

Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have abused their powers by filing false reports with the FBI in an effort to intimidate the People into submission.

Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have abused their powers by sending the FBI on a fishing expedition in the hope of finding evidence, that does not exist, in order to charge the People with a crime.

Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D. Scheinkman have abused their powers by accusing the People of terrorist acts and causing them to be interrogated as such.

Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D Scheinkman have misinformed the elected clerks of the counties of New York and the employed clerks of the courts of New York claiming that the 5th Amendment has been legislated away and therefore the People's right to consent is void, thus allowing the judges to continue in their acts of contempt of the People.

We have warned the judges of New York, from time to time, of attempts by their administrative courts to not extend an unwarrantable jurisdiction over us. We have reminded them of the Law of the Land and their duty to obey it, i.e., honor their Oath to hold their office in good behavior. We have appealed to their native justice and magnanimity. They have been deaf to the cries of the injured for justice. We the People must, therefore, acquiesce in the necessity of holding them in contempt of Natural Law (Common Law).

We, therefore, the People of New York, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of New York, solemnly publish and declare, that New Yorkers are, and of Right ought to be free and sovereign People, with a firm reliance on the protection of divine Providence.

CONSPIRATORS' SUPPLANTING & CONTEMPT OF COMMON LAW

In a memorandum to all county and court clerks dated 9-26-13, prepared by John W. McConnell and Paul McDonnell, council for the conspirators, giving their "flawed" opinion of law concerning the

Common Law Grand Jury, claimed that the New York Constitution Article I §14 supplanted the common law powers of the Grand Jury.

It is difficult to believe that all four judges and counsel could be so ignorant of the law as they face charges of "high treason", whereas they rest in the following bogus claim:

> "*Although a New York State grand jury derives its authority, in part, from the State Constitution, the common law was only continued in New York "subject to such alterations as the legislature shall make*… quoting Wood v Hughes, 9 NY2d 14 (1961) *the Legislature manifested a clear intent to supplant whatever common law powers the grand jury may have possessed*".

This is a gross misinterpretation of Article I §14 which actually said (paraphrased); Common law and the acts of the legislature of the colony of New York, including resolutions and the convention that formed the law on April 19, 1775 and in force on April 20, 1777, which have not since expired, been repealed or altered shall be and continue the law of this state, but all such common law, acts, or parts thereof as are repugnant to this Constitution [April 20, 1777] are hereby abrogated and subject to such alterations as the legislature shall make **concerning the same**.

In other words on April 20, 1777 when the Constitution was adopted, any laws in force from April 19, 1775 through April 20, 1777 that were repugnant to the April 20, 1777 Constitution were abrogated and therefore subject to alterations as the legislature shall make [key words →] **concerning the same**. It does not claim that legislators had authority to supplant the Common Law Grand Jury, nor would they be able to as they would then need to negate the Declaration of Independence and even more importantly, "Natural Law", and by that action they would be in contempt of God.

Furthermore, the New York Constitution Article I §6, which statutory counselors failed to cite, states "*The power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments or to direct the filing of information in connection with such inquiries, shall never be suspended or impaired by law*". The New York Judiciary, without authority, has negated this power of the People. The actions of said conspirators clearly proves that their puppet statutory BAR members (judges and prosecutors) controlled juries will never investigate (self police) criminally dishonest BAR actions in the Peoples Courts, that were designed for justice[2]. Whereas the people are blocked from accessing we the People's independent common law Grand Juries to constitutionally redress their injuries and protect their rights from criminally malfeasant officials who act under color of law. It is an intolerable tyrannical condition that will no longer be allowed to continue.

[2] JUSTICE. [Bouvier's Law, 1856 Edition] The constant and perpetual disposition to render every man his due. Just. Inst. B. 1, tit. 1. Toulli er defines it to be the conformity of our actions and our will to the law. Dr. Civ. Fr. tit. prel. n. (5) In the most extensive sense of the word, it differs little from virtue, for it includes within itself the whole circle of virtues. Yet the common distinction between them is that that which considered positively and in itself, is called virtue, when considered relatively and with respect to others, has the name of justice. But justice being in itself a part of virtue, is confined to things simply good or evil, and consists in a man's taking such a proportion of them as he ought.; * Luke 6:19 And the whole multitude sought to touch him: for there went virtue out of him, and healed them all.

Furthermore, in support of our view of Wood v Hughes, 9 NY2d 14 (1961) Judge Frosessel, writing in dissent, said: "*This practice continued in New York as part of our common law down to the time of the adoption of our first Constitution in 1777, and indeed to the present day. In that Constitution it was provided (art. XXXV) that "such parts of the common law of England * * * and of the acts of the legislature of the colony of New York, as together did form the law of the said colony on [April 19, 1775], shall be and continue the law of this State, subject to such alterations and provisions as the legislature of this State shall, from time to time, make concerning the same. That provision has remained in our Constitution to the present time (art. I, § 14). Thus the grand jury's power at common law to file reports is not a "mooted question", nor may we "rightfully neglect the common law", as the majority would have us do*".

Chief Judge Desmond also dissents (Wood v Hughes, 9 NY2d 14 (1961)) saying: "*Inasmuch as the Legislature has not changed the common-law right of grand juries to make presentments, how can we say they are now unauthorized? Looking to the decisions of other States will not help us, for they are governed by their own laws. Nor will it serve any useful purpose to review the conflicting decisions of our courts of first instance, many of which do not deal with the precise problem before us, as it is true that the grand jury in this State derives its powers from our Constitution (including the common law incorporated therein) and our statutes and, in the absence of a clear constitutional or legislative expression, they may not be curtailed (People v. Stern, 3 N.Y.2d 658, 661). In our first Constitution no reference was made to the grand jury, and it thus continued as at common law. In subsequent Constitutions the grand jury is recognized, but it's power to make presentments for the information of the public has never been abrogated — either by Constitution or by statute — and so it remains to this day*."

Clearly the actors that contrived the majority decision of Wood v Hughes were progressives with a concealed motive in place of Justice. We the People of the unified Common Law Grand Jury are acutely aware of the widely practiced fictional venue that defrauds the People daily, and now We the People intend on reclaiming our Heritage, so robbed by progressives.

To suggest that common law could be "supplanted" from We the People which is based on the Declaration of Independence, Bill of Rights, as well as our United States Constitution, places these conspirators in the highest form of dishonor. For not to recognize those unalienable rights is to say that this state and nation are no longer under control of those sublime documents, having been abrogated by the opinion of progressive judges and legislators. and that the People are no longer sovereign consentors but slaves to enemy interests.

When it was discovered that the NSA was monitoring all communications last year the administration's quip was "*If you're not doing anything wrong you have nothing to worry about*". We have to ask ourselves what is going on that our government officials would fear the people (Grand Jury) looking into things? For them to so vigorously resist the will and right of the people to impanel a Common Law Grand Jury of, for, and by the People to investigate, We the People in like fashion so say; "*If you're not doing anything wrong you have nothing to worry about*".

"*The grand jury's historic functions survive to this day. Its responsibilities continue to include both the determination of whether there is probable cause to believe a crime has been committed and the protection of citizens against unfounded criminal prosecutions*." -- United States v. Calandra, 414 U.S. 338, 343 (1974), Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972).

We the People caution you, our public servants, to seek well your counsels. As judges, you are expected to know the Declaration of Independence, the U.S. Constitution and why the Bill of Rights was written as well as the statutes protecting why We the People, the true sovereign authority, have a right to bring Peoples' oversight any time it is required under the law of necessity.

Be advised that your continued blocking of We the People's unalienable right, protected under the 5th Amendment, to consent or not to your actions will have regrettable judicial consequences, for it is unconscionable for government officials to control a Grand Jury or tell them that any one is immune to their examinations, therefore step aside now while we can still offer you grace.

BY WHAT AUTHORITY WE, PEOPLE OF NEW YORK, ACT

We the People have the sole authority to Constitute and administrate[3] Grand Juries as an unalienable right secured by the 5th Amendment. In the majority opinion of U.S. v. Williams we read:

> **"***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*"[4].

The People have a right to claim and exercise without government interference[5], sanction, or penalty[6] their unalienable rights protected under the 5th Amendment. Clearly legislators and judges have no authority to alter unalienable rights as Judge A. Gail Prudenti, Judge Michael V. Coccoma, Judge C. Randall Hinrichs, and Judge Allan D Scheinkman, hereinafter conspirators', shamefully claim. Nor can said rights be licensed or turned into a crime[7]. The People have the unalienable right to act as Grand Jurists independent of either prosecuting attorney or judge[8].

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[3] 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. John H. Williams, Jr.; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352; No. 90-1972.

[4] [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).; United States v. John H. Williams, Jr.; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352; No. 90-1972.]

[5] **"**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". 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); United States v. John H. Williams, Jr.; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352; No. 90-1972.

[6] There can be no sanction or penalty imposed upon one because of his exercise of Constitution rights. [Sherar vs. Cullen 481 F 2D 946, (1973)]. "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]

[7] The claim and exercise of a constitution right cannot be converted into a crime. [Miller v. U.S. 230 F 486 at 489].

[8] 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 (emphasis added) (quoting *Stirone, supra,* 361 U.S., at 218, 80 S.Ct., at 273).; United States v. John H. Williams, Jr.; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352; No. 90-1972.

Therefore, the conspirators' arrogant denial, after being warned to step aside so that the people may take their proper seat as consentors within their own brick and mortar buildings[9], will not be tolerated. Such a servant is in dishonor and in breach of their Oath and is no longer constitutionally fit to serve. Furthermore, the conspirators' feeble position is nullified by the following:

> **SUPREMACY CLAUSE -** "*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
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> "*… Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument."* after more than 200 years this decision still stands … *"If any statement, within any law, which is passed is unconstitutional, the whole law is unconstitutional*." -- Marbury v. Madison: 5 US 137 (1803):

"*Since the constitution is intended for the observance of the judiciary as well as other departments of government and the judges are sworn to support its provisions, the courts are not at liberty to overlook or disregard its commands or counteract evasions thereof, it is their duty in authorized proceedings to give full effect to the existing constitution and to obey all constitutional provisions irrespective of their opinion as to the wisdom or the desirability of such provisions and irrespective of the consequences, thus it is said that* ***the courts should*** *be in our alert to enforce the provisions of the United States Constitution and* ***guard against their infringement by legislative fiat*** *or otherwise in accordance with these basic principles, the rule is fixed that the duty in the proper case to declare a law unconstitutional cannot be declined and must be performed in accordance with the delivered judgment of the tribunal before which the validity of the enactment it is directly drawn into question.* ***If the Constitution prescribes one rule and the statute the another in a different rule, it is the duty of the courts to declare that the Constitution and not the statute governs in cases before them for judgment***." -- **16Am Jur 2d., Sec. 155:,**

The State did not give the People their rights and thus cannot take them away as it chooses. The State did not establish the settled maxims and procedures by which a People must be dealt, and thus cannot abrogate or circumvent them. It thus is well settled that legislative enactments do not constitute the law of the land, but must conform to it.

"***The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land****. The U.S. Constitution is the supreme law of the land, and* ***any statute, to be valid, must be in agreement****. It is impossible for both the Constitution and a law violating it to be*

[9] 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. *United States v. Calandra,* 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed. Rule Crim. Proc. 6(a).; United States v. John H. Williams, Jr.; 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352; No. 90-1972.

valid; one must prevail. This is succinctly stated as follows: ***The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law****, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. As unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, in so far as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it*." -- **16th American Jurisprudence, Second Edition, Section 177:**

Any court, government or government officer who acts in violation of, in opposition or contradiction to the foregoing, by his or her own actions, commits treason and invokes the self-executing Sections 3 and 4 of the 14th Amendment and vacates his or her office. It is the duty of every lawful American Citizen to oppose all enemies of this Nation, foreign and domestic.

It has become clear that many judges are destructive to the People's American Heritage, minions in fact of the progressive movement. Conscious or not they are determined to expunge the work of our founding fathers, they have captured our courts and are hell bent on destroying honor and justice. They have been taught and believe that Common Law has been legislated away because it is passé when in fact legislators are not empowered with that authority. That power is reserved only to the Governor of the Universe.

Unalienable rights from God = Common Law enforced by people. Privileges from our legislators (self proclaimed masters) = rules and statutes that control Peoples' behavior, enforced by minions in fact. The common sense, common law conclusion is that any statute, code, rule, decision, or state constitution that is repugnant to the "Bill of Rights" is null and void.

We the People demand access to our brick and mortar buildings and will grace you until Friday, October 18, 2013 to obey by notifying us by fax to (845) 233-4598 and (888) 891-8977. Failure to step aside will force us to file True Bills for obstruction, contempt, treason, and numerous other charges.

Respectfully,

Administrator, Unified NY Grand Jury