

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

Coram Ipso Rege:

&

New York Unified Common Law Grand Jury

Coram Nobis:

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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>

INDEX # 14-0384

MAGISTRATE \_\_\_\_\_

**FRAUD UPON THE COURT**

**IN A SUPERIOR COURT ONE MAY SUE AN INFERIOR COURT DIRECTLY**

New York Unified Common Law Grand Jury, hereinafter the People<sup>2</sup>, aka a court of record;  
come against Raymond J. Elliott and Terence L Kindlon, aka a court not of record<sup>3</sup>; for  
conspiracy against rights<sup>4</sup>, deprivation of rights under color of law<sup>5</sup>, conspiracy to interfere with

<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> **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>3</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>4</sup> **USC 18 §241; CONSPIRACY AGAINST RIGHTS:** If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State in the free exercise or enjoyment of any right they shall be fined under this title or imprisoned not more than ten years, or both

<sup>5</sup> **USC 18 §242; DEPRIVATION OF RIGHTS UNDER COLOR OF LAW:** Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State the deprivation of any rights shall be fined under this title or imprisoned not more than one year, or both; **USC 42 1983; CIVIL ACTION FOR DEPRIVATION OF RIGHTS:** Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State subjects, or causes to be subjected, any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.

civil rights<sup>6</sup>, neglect to prevent<sup>7</sup>, misprision of treason<sup>8</sup>, conspiracy, and acting under color of law to commit felony rescue of Holly Tanner, Richard Mabee Jonathan Lippman, Fern A. Fisher, Lawrence K. Marks, Barry Kamins, Ronald Younkings, and A. Gail Prudenti.

On April 18, 2014 Magistrate<sup>9</sup> Raymond J. Elliott acting under the color of law of his own will (sua sponte), claimed to be the court and seized jurisdiction after the Superior "Court of Record"<sup>10</sup>, by "Writ of Prohibition," prohibited him from doing.

When a sovereign people, by fraud, are brought before nisi prius<sup>11</sup> courts acting under corporate charter<sup>12</sup>, when no such authority without their consent has been willed, and pretense of law, such a court acts under color of law<sup>13</sup> and "all the officers" of that court are subject to collateral attack in a court of record<sup>14</sup>, see memorandum law and jurisdiction, lines

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<sup>6</sup> **USC 42 1985; CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS:** If two or more persons in any State or Territory conspire for the purpose of depriving, either directly or indirectly any persons rights the party so injured or deprived may have an action for the recovery of damages against any one or more of the conspirators.

<sup>7</sup> **USC 42 §1986 - ACTION FOR NEGLIGENCE TO PREVENT.** Every person who, having knowledge that any of the wrongs conspired to be done or 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.

<sup>8</sup> **USC 18 § 2382 - MISPRISION OF TREASON.** Whoever having knowledge of treason, conceals and does not make known the same to some judge is guilty of treason for contempt against the sovereign and shall be fined under this title or imprisoned not more than seven years, or both.

<sup>9</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>10</sup> 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>11</sup> NISI PRIUS. (Bouvier's Law, 1856 Edition) Where courts bearing this name exist in the United States, they are instituted by statutory provision.

<sup>12</sup> CHARTER. An act of a legislature creating a corporation, or creating and defining the franchise of a corporation. Baker v. Smith, 41 Ri. 17, 102 A. 721, 723; Bent v. Underdown, 156 Ind. 516, 60 N.E. 307. Also a corporation's constitution or organic law; Schultz v. City of Phcenix, 18 Ariz. 35, 156 P. 75, 76; C. J. Kubach Co. v. McGuire, 199 Cal. 215, 248 P. 676, 677; that is to say, the articles of incorporation taken in connection with the law under which the corporation was organized; Chicago Open Board of Trade v. Imperial Bldg. Co., 136 Ill.App. 606; In re Hanson's Estate, 38 S.D. 1, 159 N.W. 399, 400. The authority by virtue of which an organized body acts. Ryan v. Witt, Tex. Civ.App., 173 S.W. 952, 959. A contract between the state and the corporation, between the corporation and the stockholders, and between the stockholders and the state. Bruun v. Cook, 280 Mich. 484, 273 N.W. 774, 777.

<sup>13</sup> **COLOR OF LAW.** [Black's Law 4th] -- The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

<sup>14</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

251-254. Furthermore no legislators have been given the authority to create such a hybrid corporation and then write charters that defraud the government ordained by the people in order to defraud the people.

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

A handwritten signature consisting of several overlapping loops and a long horizontal stroke extending to the right.

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Administrator

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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)].