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

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

Sureties of the Peace

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**Sheriff:** San Diego County Sheriff Wm. D. Gore  
John F. Duffy Administrative Center  
9621 Ridgehaven Court  
San Diego, CA 92123

**Court:** San Diego CA Superior Court  
Hall of Justice Courthouse  
330 West Broadway  
San Diego, CA 9210

Petitioner: Robert Tutaan Rubio, %5504 Roanoke Street, San Diego, CA 92139

Perpetrator: Western Progressive Attorneys Jonathan D. Fink #11615 and Yelena Cayton #25880,  
Wright, Finlay & Zak, LLP; 4665 MacArthur Court, Suite 200, Newport Beach, CA 92660

## INFORMATION

The purpose of this Information is to alert and inform both the County Sheriff and local Courts of criminal acts and constitutional violations being perpetrated against the above-named petitioner. By way of a common and growing white collar swindle concerning the “*Securitization of Mortgages*” which are illegal primarily because of “*Antitrust Law Violations*”, constituting specific violations such as usury, fraud, conspiracy, forgery and Robo-signing; and, when State and Federal Legislators provide unconstitutional legislation and State Constitutional Courts sanction the non-judicial foreclosures by looking the other way as the victim is robbed collectively constitutes RICO.

Securitization is the financial practice of pooling various types of contractual debt such as residential mortgages, commercial mortgages, auto loans or credit card debt obligations (or other non-debt assets which generate receivables); and, selling their related cash flows to third party investors as securities, which may be described as bonds, pass-through securities or collateralized debt obligations (CDOs). Investors are repaid from the principal and interest cash flows collected from the underlying debt which is redistributed through the capital structure of the new financing. Securities backed by mortgage receivables are called mortgage-backed securities (MBS), while

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<sup>1</sup> “**THE GRAND JURY** is an institution separate from the courts over whose functioning the courts do not preside... 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 (3) Articles. It is a constitutional fixture in its own right. 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... The Grand Jury’s functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing and in the manner in which that power is exercised. ‘Unlike [a] [c]ourt whose jurisdiction is predicated upon a specific case or controversy, the Grand Jury can investigate merely on suspicion that the law is being violated; or, even because it wants assurance that it is not.’” United States v. John H. Williams; 112 S. Ct. 1735; 504 U.S. 36; 118 L. Ed. 2d 352; 1992

those backed by other types of receivables are asset-backed securities (ABS). It was the private, competitive mortgage securitization that played an important role in the U.S. subprime mortgage crisis.

The process is not as complicated as it might seem at first glance and might be difficult to recognize as a crime; but, it should become clear to the local village, town and city courts and the Sheriff once they realize the process these criminal cartels, known as mortgage companies, go through to use the Court and the Sheriff to assist in these illegal seizures of homes without their realizing that they became instruments of a robbery.

**CLARIFICATION:** Were these mortgage companies able to legally foreclose on the property, they would do so by filing the foreclosure in the State Court to acquire a judgment; and then, bring it to the Sheriff for collection. The problem is that they cannot produce an original contract because the [contract?/ mortgage?] was fraudulently acquired in the first place; and, no one within the mortgage company is willing to fraudulently sign an Affidavit of Proof of Claim required to open a lawful court case to provide “*due process*” necessary for a lawful seizure of property.

So the BAR, Banks and Mortgage Cartels devised a plan to bypass “*due process*” by lobbying and convincing state legislators, who either consciously conspired; or, because constitutional principles are unbeknownst to them, ignorantly conspired to write unconstitutional “*non-judicial foreclosure statutes*” that proceed “*in REM*”, which is an “*at sea*” process used to seize ships and other properties from pirates.

Such practice moves the presumption of law from “*innocent until proven guilty*” to “*guilty with no opportunity to defend*”; turning American Jurisprudence<sup>2</sup> on its head; removing opportunity to be heard; and, providing absolute control to defraud without consequence by nefarious mortgage holders, of which there seems to be no shortage, as well as by RICO-governed de facto state courts which allow the non-judicial foreclosure filing without the signature of a judge.

“*In Rem*” under international law, permits the seizure of property without notification to a property owner. This makes sense and is legal under international law at sea dealing with pirates; but, the “*Law of the Land*” a/k/a “*The Supremacy Clause of the Constitution*” requires “*Due Process*”.

*“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and, all treaties made, or which shall be made, under the authority of the United States, **shall be the Supreme Law of the Land**; and, the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.” Constitution for the United States of America Article VI*

Congress cannot make laws that would provide for a statutory construction which would negate the unalienable rights of ~~We the People~~; which is what would be required in order to make a State a

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<sup>2</sup> **JURISPRUDENCE:** The philosophy of law, or the science which treats of the principles of positive law and legal relations; American Jurisprudence is the written law, constitution and principles every judge must obey.

“Non-Judicial Foreclosure State”; and, therefore no State can establish “Non-Judicial Foreclosure Laws”. Such Congressional and/or State actions would negate the following unalienable rights protected by the Constitution:

- (1) The unalienable right protected by the 4<sup>th</sup> Amendment to be secure from property seizures;
- (2) The unalienable right protected by the 5<sup>th</sup> Amendment to due process;
- (3) The unalienable right protected by the 7<sup>th</sup> Amendment to trial by jury; and,
- (4) The unalienable right protected by the 7<sup>th</sup> Amendment to common law courts.

Rights are unalienable<sup>3</sup> and cannot be transferred.<sup>4</sup> Any contract that would pass or hand over an unalienable right is null and void. The “*Burden of Proof*” is on the foreclosing party. All parties to a Non-Judicial Foreclosure cannot prove their case; nor can they prove their right to sell someone’s property without progressing to a Final Judgment in a court of law. Any court that ignores these facts and/or proceeds with a Summary Judgment becomes complicit to the robbery; and, violates the victim’s rights under Color of Law; thereby, giving reason to move the Case for Cause to an Article III Federal District Court for both criminal and civil remedy.

White-collar criminals, after establishing unconstitutional statutes, thereby acting under Color of Law, devised the following “*ruse*” to manipulate our judicial system and our County Sheriffs so as to create an appearance of lawful acts while illegally seizing the property of their victims:

- (1) Give Notice of Default to the victim, “without judicial process”;
- (2) Give Notice of Substitution of Trustee, “without judicial process”;
- (3) Give Notice of Sale, “without judicial process”;
- (4) Commence public auction, “without judicial process”;
- (5) Use aforesaid documents to transfer title, “without judicial process”;
- (6) File fraudulent eviction proceedings acting as “*landlord*” (using the fraudulent title) and calling the owner of the property “*tenant*” who owes back rent in an unsuspecting village, town or city court, “giving the appearance of judicial process”; and,
- (7) File the fraudulent judgement with the County Clerk to achieve a fraudulent Eviction Order for execution by the unsuspecting Sheriff.

We the People find it apparent that most of our Constitutional Officers are ignorant as to the Law of the Land as defined in the Constitution for the United States of America, Article VI; and, therefore, are often unable to determine constitutional violations which place Sheriffs in jeopardy of violating their oath and We the People in jeopardy of losing our property and Liberty to tyrants.

Civics and Constitutional studies have been purged from our schools; the prerequisite knowledge for taking an oath of office as Sheriff is lacking; and, to remedy this, We the People have prepared

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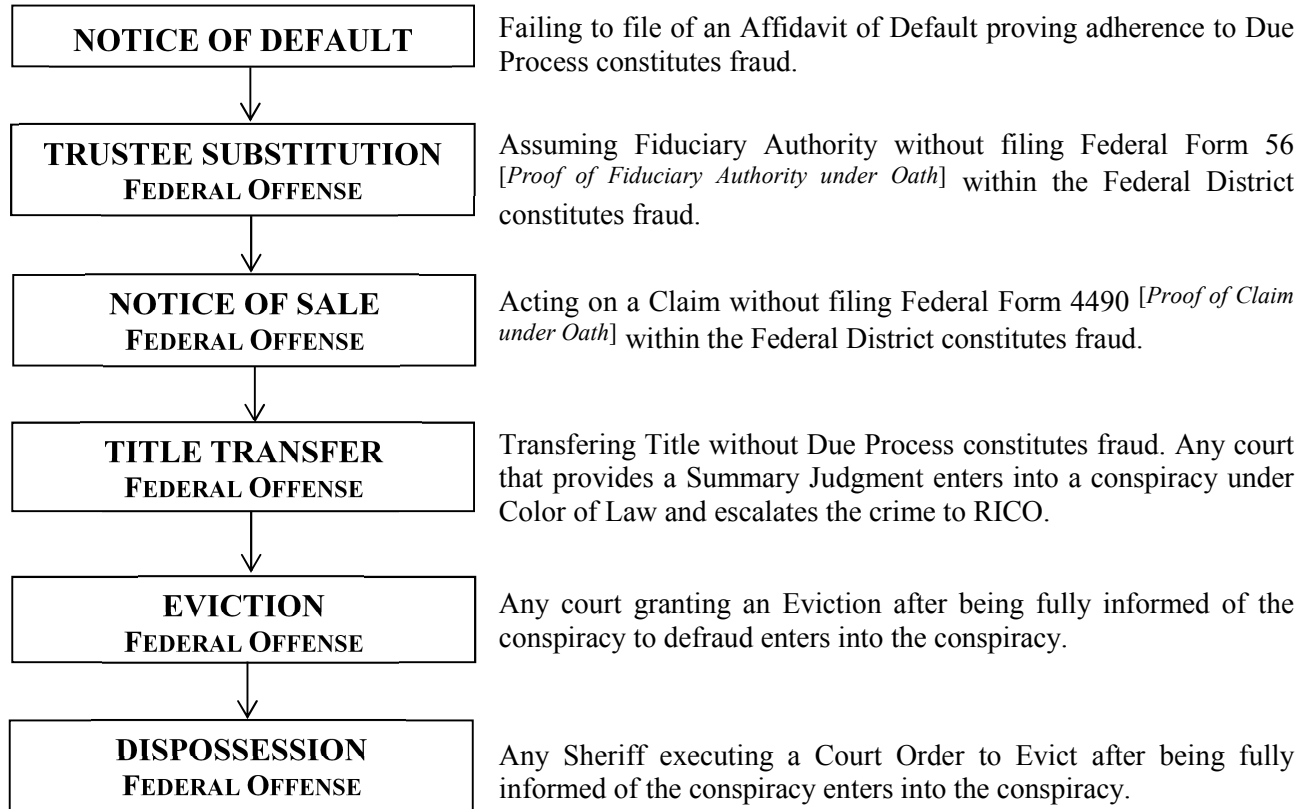
<sup>3</sup> **UNALIENABLE:** Inalienable; incapable of being alienated, that is, sold and transferred. Black’s 4<sup>th</sup>

<sup>4</sup> **TRANSFER:** To convey or remove from one place, person, etc., to another; pass or hand over from one to another; specifically to make over the possession or control of (as, to transfer a title to land); sell or give. Chappell v. State, 216 Ind. 666, 25 N.E. 2d 999, 1001

free Constitutional and Civics courses for which Sheriffs and Sheriff Deputies may enroll by going to: [www.PoweroftheCountySheriff.com](http://www.PoweroftheCountySheriff.com).

This formal Information hereby giving “Notification of Crimes”, directs the County Sheriff to do his/her Constitutional duty to protect the victim(s); and, supplies what is necessary to assist the County Sheriff in his/her understanding of the constitutional duty incumbent on a Sheriff to enforce the law and secure the Peace.

**THE RUSE:**



**STATUTORY CRIMES:** Under US laws, Securitized Mortgages are illegal primarily because they are fraudulent and constitute specific violations, namely:

- 1) RICO
- 2) Usury
- 3) Fraud
- 4) Conspiracy
- 5) Forgery
- 6) Robo-signing
- 7) Antitrust law violations

The “*foreclosure crisis*” is a complex, interconnected series of state-sponsored crimes involving the following steps:


- 1) The mortgage is created;
- 2) The mortgage is sold to an investor;
- 3) The mortgage payments are loaded onto an international PONZI scheme a/k/a “*mortgage securitization*”;
- 4) Compliant judges in State and Federal Courts look the other way; or, provide Summary Proceedings while:
  - a. Mortgage companies conceal the fact that the notes and assignments were never delivered to the MBS Trusts [Mortgage-Backed Securities Trusts] while the mortgage companies disseminate false and misleading statements to the investors and the United States Government.
  - b. Mortgage companies pursue foreclosure actions using false and fabricated documents, particularly mortgage assignments. The mortgage companies use Robo-signing on thousands of documents each week with no review or knowledge of the contents of the documents; thus, creating forged mortgage assignments with fraudulent titles in order to proceed with foreclosures.
  - c. Mortgage companies have used these fraudulent mortgage assignments to conceal over 1,400 MBS Trusts, each with mortgages valued over \$1 billion, which are missing critical documents; namely, mortgage assignments which are required to have been delivered to the Trusts at the inception of the Trust.
  - d. Without lawfully executed mortgage assignments, the value of the mortgages and notes held by the Trusts is impaired; effective assignments are necessary for the Trust to foreclose on its assets in the event of mortgage defaults; and, the Trusts do not hold good title to the loans and mortgages that investors have been told are secured notes.
  - e. Mortgage assignments are prepared with forged signatures of individuals signing as grantors; and, forged signatures of individuals signing as witnesses and Notaries.
  - f. Mortgage assignments are prepared with forged signatures of individuals signing as corporate officers for banks and mortgage companies that have never employed said individuals and corporate officers.
  - g. Mortgage assignments are prepared and signed by individuals as corporate officers of mortgage companies that have been dissolved by bankruptcy years prior to the assignment.
  - h. Mortgage assignments are prepared with purported effective dates unrelated to the date of any actual or attempted transfer; and, in the case of Trusts, with purported effective dates years after the closing date of the Trusts.
  - i. Mortgage assignments are prepared on behalf of grantors who had never themselves acquired ownership of the mortgages and notes by a valid transfer; and, such mortgage assignments include numerous ones where the grantor was identified as “*Bogus Assignee for Intervening Assignments*”.
  - j. Mortgage assignments are notarized by Notaries who never witness the signatures they notarize.

- k. The MBS Trusts, and their trustees, depositors and servicing companies, further misrepresent to the public the assets of the Trusts; and, issue false statements in their Prospectuses and Certifications of Compliance.
- l. Securitization violates usury laws in that the resulting effective interest rate typically exceeds legally-allowable rates set by State Usury Laws.
- m. All “*True-Sale*”, “*Disguised-Loan*” and “*Assignment*” Securitizations are essentially tax-evasion schemes. In the United States, the applicable tax-evasion statute is the United States Internal Revenue Code, Section 7201 which reads as follows: “*Any person [corporation] who willfully attempts in any manner to evade or defeat any tax imposed by this title, or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony; and, upon conviction thereof, shall be fined not more than \$500,000; or, imprisoned not more than 5 years; or, both; together with the costs of prosecution.*”
- n. Securitization undermines the United States Federal Bankruptcy Policy because it is used in lieu of secured financing as a means of avoiding certain Bankruptcy Law Restrictions. The origins of securitization in the United States can be traced directly to efforts by banks and financial institutions to avoid Bankruptcy Law Restrictions.
- o. Securitization constitutes a violation of Federal RICO Section 1341: Mail Fraud; Section 1343: Wire Fraud; Section 1344: Financial Institution Fraud; Section 1957: Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity; and, Section 1952: Racketeering.

**W**HEREFORE the Grand Jury, being a constitutional fixture in its own right, and the Sureties of the Peace serving as a kind of buffer or referee between the Government and We the People, command the Sheriff and local courts to obey the Law of the Land, be aware of the aforesaid ruse and perform their duty by protecting the unalienable rights of the People they work for and not Corporate America.

The Sheriff is directed to contact the petitioner and protect them from any encroachment upon their unalienable rights by any government agency and fraud by any Mortgage Company.

**THE COURT**; April 20, 2016.

  
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Grand Jury Foreman