

**New York State Supreme Court, Albany County**

David Mongielo, John Vidurek, Gerard Aprea, Anthony Futia, et al.)

INDEX NO 1306-13

Plaintiffs; )

Magistrate \_\_\_\_\_

- against - )

GOVERNOR ANDREW CUOMO, NEW YORK STATE SENATE: (63 MEMBERS) )

AND NEW YORK STATE ASSEMBLY (150 MEMBERS) )

Defendant. )

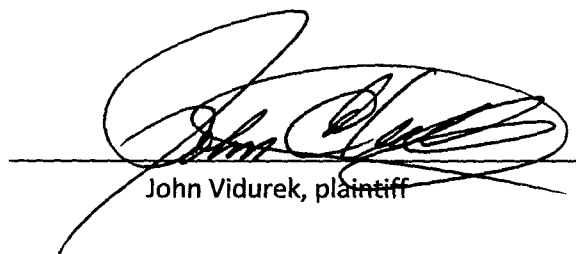
**SUMMONS**

Albany County Clerk  
Document Number 11345913  
Rcvd 03/04/2013 2:03:49 PM



**YOU ARE HEREBY SUMMONED** and required to appear and answer this endorsed summons in the New York Supreme Court, Court of Record, County of Albany; located at 16 Eagle Street, Albany, New York, 12207; on the 25th day of March, 2013 at 9:30 o'clock in the before noon; Upon your failure to appear and answer, judgment will be taken against you for the relief demanded in the complaint, together with the cost of this action.

**Dated:** Dutchess County New York  
March 4, 2012

  
John Vidurek, plaintiff

**Sheldon Silver**  
**Albany Office**  
**LOB 932**  
**Albany, NY 12248**

**New York State Supreme Court, Albany County**

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AND NEW YORK STATE ASSEMBLY (150 MEMBERS)	)	
Defendant.	)	
_____ )	)	

**ACTION AT LAW**

John E Vidurek, plaintiff  
600 Violet Avenue  
Hyde Park, NY. 12538  
Fax (888)

**PLEASE TAKE NOTE**, there are over 800 plaintiffs in this action which is expected to climb within the next two weeks. It will only be necessary to serve a hard copy of the pleadings to the address above and we will send electronic copies to all the plaintiffs. We in return served only the leaders of both houses and we expect that they to will send electronic copies to the others.

David Mongielo, plaintiff  
John Vidurek, plaintiff  
Gerard Aprea, plaintiff  
Anthony Futia, plaintiff  
et al. (800+ plaintiffs)

**Sheldon Silver**  
**Albany Office**  
**LOB 932**  
**Albany, NY 12248**

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**New York State Supreme Court, Albany County**

David Mongiello, John Vidurek, Gerard Aprea, Anthony Futia, et al.)	INDEX NO _____
Plaintiffs;	Magistrate _____
- against -	
GOVERNOR ANDREW CUOMO, NEW YORK STATE SENATE: (62 MEMBERS) AND NEW YORK STATE ASSEMBLY (150 MEMBERS)	<b>ACTION AT LAW<sup>1</sup></b>
Defendant.	

On and for the Record, We, David Mongiello, John Vidurek, Gerard Aprea, Tony Futia, et al., people<sup>2</sup> of New York, hereinafter "the People", accept the oaths and bonds of all the officers of this court, and in this court of record, proceeding according to the common law<sup>3</sup> hereby sue the Governor of New York State, New York State Senate, and New York State Assembly, hereinafter defendants, for dereliction of duty, abuse of power, conspiracy<sup>4</sup> to disarm the people,

<sup>1</sup> AT LAW. [Bouvier's Law, 1856 Edition] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

<sup>2</sup> PEOPLE. People are supreme, not the state. [Waring vs. the Mayor of Savannah, 60 Georgia 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, 71].

<sup>3</sup> Common law - As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. [1 Kent, Comm. 492, Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.];

<sup>4</sup> 42 USC 1985(3); CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS: Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; ... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any

for declaratory judgment, with enforcement, regarding a long train of abuses and usurpations of the peoples' unalienable<sup>5</sup> right to bear arms.

### **i - JURISDICTION**

1. The New York State Supreme Court, Albany County being the seat of the State and the Supreme Court being a Court of Record<sup>6</sup> is the proper Jurisdiction for this action to be heard.

### **ii - THIS IS A COMMON LAW PROCEEDING ACCORDING TO A COURT OF RECORD**

2. Because neither scholars nor legislators are omniscient, common law does not adhere to legislation regardless of the facts. Unlike the civil law, which is committed to legislation as the will of the state, the common law emphasizes the facts of the case in confidence that the people (the tribunal) can discern right from wrong by learning the truth of the facts.
3. As with biblical truth the common law tradition abhors the priestcraft<sup>7</sup> of secret knowledge and demands that its principles remain available to all, that all may enjoy its liberties. Therefore the common law tradition does not reserve knowledge of its principles for

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right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

<sup>5</sup> INALIENABLE. Not subject to alienation; the characteristic of those things which cannot be bought or sold or transferred from one person to another, such as rivers and public highways, and certain personal rights; e. g., liberty. Inalienable; incapable of being aliened, that is, sold and transferred.[Black's Law 4th edition, 1891]

<sup>6</sup> Article VI. b. ... the supreme court ... shall be courts of record.

<sup>7</sup> America's Founders discerned this conflict to be the struggle of liberty against priestly power. Thomas Jefferson wrote to Alexander von Humbolt in 1813: "History, I believe, furnishes no example of a priest-ridden people maintaining a free civil government. This marks the lowest grade of ignorance of which their civil as well as religious leaders will always avail themselves for their own purposes." The following year he wrote to Horatio G. Spafford: "In every country and in every age, the priest has been hostile to liberty. He is always in alliance with the despot, abetting his abuses in return for protection to his own."

attorneys only. The true judges (tribunal) of the common law tradition demand ideals of a fair contest aimed at a fair result.

4. [note - all quotes hereinafter are italicized] "*A court of record has a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it*" [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][Black's Law Dictionary, 4th Ed., 425, 426] -- see the accompanying attachment "Law of the case" which is incorporated by reference as though fully stated herein.
5. The Magna Carta, the second written common law document in 1215AD, the Bible being the first, was initiated by 25 "freemen". The Declaration of Independence, the third written common law document in 1776AD, was initiated by 56 "freemen". This court of record tribunal is made up of more than a 800 sovereigns<sup>8</sup>.

### iii - JUDICIAL NOTICE

6. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]
7. Constitution for the United States Amendment II - "..., *the right of the people to keep and bear Arms, shall not be infringed*". [note "Arms" was capitalized by our founding fathers]

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<sup>8</sup> **SOVEREIGN** "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." American [Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047].

<sup>9</sup> **INFRINGE**. A breaking into; a trespass or encroachment upon a right, invasions of rights.

8. **FICTION OF LAW.** [Black's Law 4th edition] "... *Something known to be false is assumed to be true*". **Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621**. "*that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land*". [**Hoke vs. Henderson, 15, N.C. 15, 25 AM Dec 677**].
9. "*Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason.*" [**Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)**]
10. **42 USC §1986** - "*Action for neglect to prevent - Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, 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, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented;...*

#### iv - WASTING TIME

11. "*Due to sloth, inattention or desire to seize tactical advantage, lawyers have long engaged in dilatory practices... the glacial pace of much litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law.*" [**Roadway Express v. Pipe, 447 U.S. 752 at 757 (1982)**]
12. Experience in the trial courts have taught us two things (1) judges, under political and government agency pressure rarely do the "just thing" and unlawfully rule "no cause of

action", while they allow the law breakers to continue breaking the law, and (2) lawyers for the state wastes everybody's time and money, as the state arrogantly snubs the people by refusing to answering, as the plaintiffs continue in perpetual injury. Plaintiffs will not permit this and intend on holding everybody accountable.

#### v - GENERAL ALLEGATIONS OF FACT AND LAW

13. Each of the plaintiffs have been injured, threatened, and intimidated by the defendants in violation of US Code 18 §241 and US Code 42 §1985<sup>10</sup>.
14. Each of the plaintiffs have been deprived of our unalienable rights<sup>11</sup> by the defendants in violation of US Code 18 §242 and US Code 42 §1983.
15. All the People of New York have been injured, threatened, and intimidated by the defendants in violation of US Code 18 §241 and US Code 42 §1985.
16. All the People of New York have been deprived of our unalienable rights by the defendants in violation of US Code 18 §242 and US Code 42 §1983.
17. Gun statutes are not law.
18. Defendants extort the plaintiffs with the threat of fines and false arrest.
19. Gun statutes, that are not law, in New York regulate the sale, possession, and use of firearms and ammunition in the state, without the consent of the people.

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<sup>10</sup> "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 US 22, at 24]

<sup>11</sup> "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution." [Murdock v. Pennsylvania, 319 U.S. 105, at 113].



20. New York has among the most restrictive gun statutes in the nation, without the consent of the people, which it can never acquire because all the people acting together cannot eliminate the unalienable right of one who chooses to usurp it.
21. Most New York State gun statutes are covered in two sections of New York Penal code: §265 Firearms and other Dangerous Weapons and §400 Licensing and other provisions relating to firearms.
22. These laws ban handgun possession and provide exemptions, including for individuals licensed to carry handguns or to possess them for other reasons, including sports, repair, or disposal.
23. The defendants have recently passed the New York SAFE Act.
24. N.Y. PEN. CODE §265 prevent people from defending themselves
25. N.Y. PEN. CODE §400 prevent people from defending themselves
26. New York SAFE Act prevent people from defending themselves.
27. N.Y. PEN. CODE §265, §400 and New York SAFE Act is repugnant to the Second Amendment, and therefore are null and void.
28. The collection of data on the people of New York is intimidation.
29. The collection of data on the people of New York is illegal and repugnant to the constitutions.
30. History shows that gun control is the first step to gun confiscation.
31. Gun control obstructs the purpose of the second amendment which is to discourage and prevent tyranny
32. Defendants have converted rights into a crime.

33. Defendants have spied on the people, collected data, and made public the peoples personal property and business.
34. "*...the government's anxiety to obtain information known to a private individual does not without more render that information public; if it did, no room would remain for the application of the constitutional privilege. Nor does it stamp information with a public character that the government has formalized its demands in the attire of a statue; if this alone were sufficient, the constitution's privilege could be [sic] entirely be abrogated by any act of Congress*". [Page 57, 390 U.S. 39].
35. The people have a "*Right of privacy...*" [**Boyd vs. U.S. 116, U.S. 616, 630, 29 LED 746, CT 524,1886**].
36. Defendants have trespassed<sup>12</sup> upon Amendment IV [Constitution for the United States] - "*The right of the people to be secure in their persons, houses, papers, and effects ...*"

#### vi - STATUTES ARE NOT LAW

37. Legislators are authorized under the Constitution, ordained by the people, to write statutes and codes, enforced as law, to control bureaucrats, municipalities, government agencies, elected officials, interstate commerce, and subjects by fraud, but not people whose rights are unalienable<sup>13</sup> and cannot be legislated.

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<sup>12</sup> **TRESPASS** An unlawful act committed with violence, actual or implied, causing injury to the person, property, or relative rights of another; an injury or misfeasance to the person, property, or rights of another, done with force and violence, either actual or implied in law. Grunson v. State, 89 Ind. 536, 46 Am.Rep. 178; Southern Ry. Co. v. Harden, 101 Ga. 263, 28 S.E. 847; Brown v. Walker, 188 N.C. 52, 123 S.E. 633, 636.

<sup>13</sup> **UNALIENABLE** [Bouvier's Law, 1856 Edition] Inalienable; incapable of being aliened, that is, sold and transferred; The state of a thing or right which cannot be sold; Things which are not in commerce, as public roads, are in their nature unalienable. Some things are unalienable, in consequence of particular provisions in the law forbidding their sale or transfer, as pensions granted by the government. The natural rights of life and liberty are unalienable.

38. *"All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." [Rodrigues v. Ray Donovan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).]*
39. *"The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law" [Self v. Rhay, 61 Wn (2d) 261]*
40. *"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 its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... 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 law. Indeed insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it." [Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886)]*
41. *"All laws, rules and practices which are repugnant to the Constitution are null and void" [Marbury v. Madison, 5th US (2 Cranch) 137, 180]*
42. *"There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent." [Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.]*

43. "Statutes that violate the plain and obvious principles of common right and common reason are null and void." [Bennett v. Boggs, 1 Baldw 60].
44. " ... The Congress cannot revoke the Sovereign power of the people to override their will as thus declared." [Perry v. United States, 294 U.S. 330, 353 (1935)].

vii - COMMON LAW IS THE REAL LAW

45. "The common law is the real law,..." [Self v. Rhay, 61 Wn (2d) 261]
46. "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power." ... "For, the very idea that man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself." [Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit]
47. "Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree." [Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903].
48. "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, Clause 2.]**

49. *"The very meaning of 'sovereignty' is that the decree of the sovereign makes law".*

**[American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed.**

**826, 19 Ann.Cas. 1047.] "A consequence of this prerogative is the legal ubiquity of the king.**

*His majesty in the eye of the law is always present in all his courts, though he cannot*

*personally distribute justice". [(Fortesc.c.8. 2Inst.186)] "His judges are the mirror by which*

*the king's image is reflected." [1 Blackstone's Commentaries, 270, Chapter 7, Section*

**379.]**

#### viii - RIGHTS

50. "**Rights**" are defined generally as "**powers of free action**," and the primal rights pertaining to men are undoubtedly enjoyed by human beings purely as such, being grounded in personality, and existing antecedently to their recognition by positive law. **[Black's Law 4th edition, 1968]**

51. "**Free**" is defined as "**not subject**" to legal constraint of another, unconstrained, having power to follow the dictates of his own will. Not subject to the dominion of another. Not compelled to involuntary servitude. Used in this sense as opposed to "slave." **[Black's Law 4th edition, 1968]**

52. Therefore if "rights" are not subject to legal constraints, they cannot be subject to legislation such as permits or licenses. As Jefferson put it "*rights ... are against government*"<sup>14</sup>, and therefore cannot be subject to it, for government is subject to the people, whose rights they are.

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<sup>14</sup> "A bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inferences." -- **Thomas Jefferson to James Madison, 1787. ME 6:388, Papers 12:440**

**ix - RIGHT CANNOT BE CONVERTED INTO A CRIME**

53. *"The State cannot diminish rights of the people." Hertado v. California, 110 U.S. 516 "The Claim and exercise of a Constitutional Right cannot be converted into a crime."-Miller v. U.S. , 230 F 2d 486. 489 "If the state converts a liberty into a privilege the citizen can engage in the right with impunity" [Shuttlesworth v Birmingham , 373 USs 262]*
54. *"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]*
55. *"For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights."- [Sherar v. Cullen, 481 F. 945].*

**x - AMERICA WAS FOUNDED ON COMMON LAW  
BY THE CONSENT OF THE PEOPLE.**

56. We the people have instituted government to secure our unalienable rights to guard them and not to legislate them annulled.
57. *"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.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and*

*organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness". -- Declaration of Independence.*

58. People's rights are unalienable, endowed by our Creator and not by legislators.

59. *"All laws, rules and practices which are repugnant to the Constitution are null and void"*  
[**Marbury v. Madison, 5th US (2 Cranch) 137, 180**]

60. The common law remains an American birthright and is integral to understanding the American identity, both individually and as a people.

61. Laws are made for people; people are not made for the law.

**xi - LEGISLATORS WERE NEVER GIVEN AUTHORITY  
TO LEGISLATE PEOPLES' BEHAVIOR  
NOR CAN ONE PEOPLE GIVE UP THE RIGHTS OF ANOTHER  
THEY ARE INDIVIDUAL RIGHTS**

62. The People ordained and established the United States and New York constitutions to control the behavior of government. The people never gave up the right to control their own behavior.

63. *"The term [liberty] ... denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of this own conscience... The established doctrine is that this liberty may not be interfered with, under the guise of protecting public interest, by legislative action."* [**Meyer v. Nebraska, 262 U.S. 390, 399, 400**].

64. "*When a man assumes a public trust, he should consider himself as public property*" -- **Thomas Jefferson, ("Winter in Washington, 1807"), in a conversation with Baron Humboldt; B. L. Rayner, Life of Thomas Jefferson, ..., p.356; Boston, 1834**
65. The determination of standing is an issue of privileges and slaves. To consider such an issue upon the people is treason.
66. "**We the people** of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, **do ordain and establish** this Constitution for the United States of America". -- **Constitution for the United States, preamble**
67. "**We the people** of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, **do establish this constitution**". -- **New York Constitution, preamble**
68. People are grateful to Almighty God for Liberty, not to legislators.
69. People, with the authority invested as King, ordained and established the Constitution **for** the United States. We the people owe the government nothing. The government owes the people everything, is subservient to the people, and serves at their pleasure.
70. We the people are sovereign and therefore are not subject to statutes - "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law;*" [**Yick Wo v. Hopkins, 118 US 356, 370 (Undersigned is Sovereign and no court has challenged that status/standing)**]



xii - ACTS OF HIGH TREASON<sup>15</sup>

71. The state has no right to legislate and to act without the consent<sup>16</sup> of the people.
72. N.Y. CVR. LAW § 2: "*Supreme sovereignty in the people - No authority can, on any pretence whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state*".
73. "*The very meaning of 'sovereignty' is that the decree of the sovereign makes law.*" [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047].
74. Rights are exercised as a sovereign<sup>17</sup> people please<sup>18</sup>, and not as the state pleases.
75. The defendants have legislated the peoples' unalienable rights<sup>19</sup> into a crime, in violation of the Fifth Amendment<sup>20</sup> "for the United States", obligated by decree upon the state; this is an act of high treason.
76. "*The claim and exercise of a Constitution right cannot be converted into a crime ... a denial of them would be a denial of due process of law*". [Simmons v. United States, 390 U.S. 377 (1968)]

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<sup>15</sup> **High Treason** in English law. Treason against the king or sovereign, as distinguished from petit or petty treason, which might formerly be committed against a subject. [4 Bl.Comm. 74, 75; 4 Steph. Comm. 183, 184]; "Treason" consists of two elements: Adherence to the enemy, and rendering him aid and comfort. [Cramer v. U. S., U.S.N.Y., 65 S.Ct. 918, 932, 325 U.S. 1, 89 L.Ed. 1441].

<sup>16</sup> **CONSENT** - "There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent." [Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.]

CONSENT OF THE GOVERNED - 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.--That to

<sup>17</sup> **SOVEREIGN**. 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>18</sup> **RIGHTS**. [Black's Law 4th edition, 1891] In a narrower signification, an interest or title in an object of property; a just and legal claim to hold, use, or enjoy it, or to convey or donate it, as he may please. See Co. Litt. 345a.

<sup>19</sup> **RIGHT**. "Rights" are defined generally as "powers of free action." And the primal rights pertaining to men are undoubtedly enjoyed by human beings purely as such, being grounded in personality, and existing antecedently to their recognition by positive law. **FREE**. Not subject to legal constraint of another. Unconstrained; having power to follow the dictates of his own will. Not subject to the dominion of another. Not compelled to involuntary servitude. Used in this sense as opposed to "slave." [Black's Law 4th edition, 1891]

<sup>20</sup> 5th Amendment - No person shall ... be deprived of life, liberty, or property, without due process of law; ...

77. The defendants have made rules and legislation in an attempt to abrogate the people's unalienable right to bear arms and defend themselves; this is an act of high treason.
78. *"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]
79. The defendants have imposed sanctions and penalties upon the people for exercising their unalienable right to be armed and to defend themselves, in violation of the Second Amendment "**for** the United States" which is obligated by decree upon the state; this is an act of high treason.
80. *"There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights."* [Sherar v. Cullen, 481 F. 2d 946 (1973)]
81. The defendants have violated the people's unalienable right to privacy<sup>21</sup>, to be secure in their persons, houses, papers, and effects, by collecting data through gun control, on their personal effects, by making public such data, and by intimidating the people with imposed permits, in violation of the Fourth Amendment "**for** the United States", obligated by decree upon the state; this is an act of high treason.
82. *"The right of the people to be secure in their persons, houses, papers, and effects ... shall not be violated ..."* -- US Bill of Rights, Fourth Amendment.
83. *"...the government's anxiety to obtain information known to a private individual does not without more render that information public; if it did, no room would remain for the application of the constitutional privilege [in this case the people's unalienable rights]. Nor does it stamp information with a public character that the government has formalized its demands in the attire of a statue; if this alone were sufficient, the constitution's privilege could be [sic] entirely be abrogated by any act of Congress".* [Page 57, 390 U.S. 39].

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<sup>21</sup> Right of privacy...[Boyd vs. U.S. 116, U.S. 616, 630, 29 LED 746, CT 524,1886].

84. The defendants have converted the people's unalienable right into a crime under the color of law<sup>22</sup> through legislation; this is an act of high treason.
85. "*The claim and exercise of a constitution right cannot be converted into a crime*". [Miller v. U.S. 230 F 486 at 489].

### xiii - CONSPIRACY AGAINST RIGHTS

86. In violation of US Code 18 §241<sup>23</sup> the defendants conspired to injure, oppress, threaten, and intimidate the people by imposing unconstitutional statutes as pretended laws in New York State in order to thwart the free exercise of the people's right secured by the decreed Constitution "for the United States". Under these pretended laws swarms of enforcement agents, disguised under the color of law, have been sent on the highways and on the people's premises, with the intent to prevent the people's free exercise of the unalienable right to bear arms, so secured, with an intent to kidnap people by imprisonment; this is an act of high treason.
87. In violation of US Code 42 §1985<sup>24</sup> the defendants conspired to deprive the people, by intimidation and force of our unalienable right to bear arms and defend ourselves, by sending

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<sup>22</sup> COLOR OF LAW -- 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>23</sup> 18, USC 241; CONSPIRACY AGAINST RIGHTS: 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; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured – They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

<sup>24</sup> 42 USC 1985(3); CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS: Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of

onto the highways and onto the peoples' premises, swarms of enforcement agents, disguised under the color of law, with the intent of hindering the peoples' free exercise of our unalienable right to bear arms, so secured, therefore an action for redress and recovery of damages is occasioned by such injury.

xiv - **DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**

88. In violation of US Code 18 §242<sup>25</sup> the defendants, under color of law, have willfully deprived the people of New York State of our unalienable rights, secured by the "decreed Constitution **for** the United States", and thereby inflicting punishments, pains, and penalties, upon the people, by using dangerous weapons to enforce pretended laws, and to attempt to kidnap people by imprisonment; this is an act of high treason.

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depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

<sup>25</sup> 18, USC 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, 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, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

89. In violation of US Code 42 §1983<sup>26</sup> the defendants under color of statute, that being pretended law, in New York State have deprived the people of our unalienable rights, secured by the "decreed Constitution", and therefore are liable to the people injured in an action at law for redress, herein so filed.

xv - **NEGLECT TO PREVENT**

90. In violation of US Code 42 §1986<sup>27</sup> some of the defendants who opposed the unconstitutional N.Y. PEN. CODE LAW §265, §400, and/or New York Secure Ammunition and Firearms Enforcement Act, hereinafter SAFE ACT, concerning the people's unalienable rights secured by the "decreed Constitution **"for** the United States" and have neglected to argue and bring before a court of justice its unconstitutionality on behalf of the people mentioned in §1985 of this title are liable to the party injured, and therefore such damages may be recovered in an action at law, herein so filed.

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<sup>26</sup> 42 USC 1983; CIVIL ACTION FOR DEPRIVATION OF RIGHTS: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other 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, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

<sup>27</sup> 42 USC §1986 - Action for neglect to prevent. Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, 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, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

## xvi - TRESPASS ON THE CASE

91. The people ordained and established the Second Amendment so as to inform our servant government that they are not to trespass upon the people's right to bear arms and defend themselves against criminals and tyrants. "..., *the right of the people to keep and bear Arms, shall not be infringed*<sup>28</sup>". [US Bill of Rights, 2nd Amendment]
92. The defendants clearly trespassed upon the case<sup>29</sup> when they infringed, by force, upon the right of the people to bear arms giving way to a series of tortious<sup>30</sup> encroachments<sup>31</sup> beginning with the issuing of gun permits<sup>32</sup> that unconstitutionally empowered government bureaucrats with authority over the people, who may or may not be granted a permit leaving the people defenseless, violated, subject, and intimidated.
93. "*Constitutional 'rights' would be of little value if they could be indirectly denied.*" [Gomillion v. Lightfoot, 364 U.S. 155 (1966), cited also in Smith v. Allwright, 321 U.S. 649.644]
94. The defendants' continued encroachment upon the right of the people to defend themselves, has grown into the most restrictive and repugnant gun statutes, erroneously called laws, in the nation, namely N.Y. PEN. CODE LAW §265, §400, and the New York SAFE Act.
95. The defendants, by managing the people's education and media, have deceived the people to believe that statutes are law. Statutes are not the law of the land.

<sup>28</sup> **INFRINGEMENT.** A breaking into; a trespass or encroachment upon a right, invasions of rights. [Black's Law 4th edition, 1891]

<sup>29</sup> **Trespass on the case.** The form of action, at common law, adapted to the recovery of damages for some injury resulting to a party from the wrongful act of another, unaccompanied by direct or immediate force, or which is the indirect or secondary consequence of defendant's act. Commonly called, by abbreviation, "Case." [Munal v. Brown, C.C.Colo., 70 F. 968; Nolan v. Railroad Co., 70 Conn. 159, 39 A. 115, 43 L.R.A. 305; New York Life Ins. Co. v. Clay County, 221 Iowa 966, 267 N.W. 79, 80.]

<sup>30</sup> **TORTIOUS.** Wrongful; of the nature of a tort. Formerly certain modes of conveyance (e. g., feoffments, fines, etc.) had the effect of passing not merely the estate of the person making the conveyance, but the whole fee-simple, to the injury of the person really entitled to the fee; and they were hence called "tortious conveyances." Litt. § 611; Co. Litt. 271b, n. 1; 330b, n. 1.

<sup>31</sup> **ENCROACH.** To enter by gradual steps or stealth into the possessions or rights of another; to trespass; intrude. Miami [Corporation v. State, 186 La. 784, 173 So. 315, 318.]

<sup>32</sup> **PERMIT.** A license or instrument granted by the officers of excise (or customs), certifying that the duties on certain goods have been paid, or secured, and permitting their removal from some specified place to another. Wharton. A written license or warrant, issued by a person in authority, empowering the grantee to do some act not forbidden by law, but not allowable without such authority. [Black's Law 4th edition, 1891]

96. *"The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are not the law"*, [Self v. Rhay, 61 Wn (2d) 261]

xvii - **FOUNDERS INTERPRETATION OF THE II AMENDMENT**

97. *"I believe there are more instances of the abridgement of the freedom of the people by the gradual and silent encroachment of those in power than by violent and sudden usurpations"*.

-- James Madison, **"The Debates in the Several State Conventions on the Adoption of the Federal Constitution..."** Vol. III, 2 ed, Jonathan Elliot (ed.), p.87; J. B. Lippincott & Co. (Philadelphia), 1881

98. *"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."* -- **U.S. Constitution, Amendment II, as passed by Congress September 25, 1789**

99. The unalienable right to defend life and liberty is a natural right, and is not to be refused by a just government.

100. The unalienable right of a people to use deadly physical force when they believe the life of themselves or another is in jeopardy shall not be infringed upon, nor shall their unalienable right to bear arms be forfeited for any period of time for doing so.

101. Our founders did not leave us in the hands of tyrants. They understood the dangers of private interpretations of our unalienable rights by the enemy of liberty. Our founding fathers said: *"On every question of construction [of the US Constitution] let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it,*



*conform to the probable one in which it was past.*" [Thomas Jefferson, letter to William Johnson, June 12, 1823, **The Complete Jefferson**, p. 322]

102. Therefore let us review what our founding fathers said concerning the right of the people to bear arms and defend themselves. Note that they call this a right and not a privilege. They do not speak of permits, licenses, or any kind of legislated control, for a right seeks no approval.

103. *"But it cannot be assumed that the framers of the Constitution and the people who adopted it did not intent that which is the plain import of the language used. When the language of the Constitution is positive and free from all ambiguity, all courts are not at liberty, by a resort to the refinements of legal learning, to restrict its obvious meaning to avoid hardships of particular cases, we must accept the Constitution as it reads when its language is unambiguous, for it is the mandate of the sovereign powers".* [State v. Sutton, 63 Minn. 147,65 WX N.W., 262, 101, N.W. 74; Cook v. Iverson, 122, N.M. 251].

104. *"A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference."* -- Thomas Jefferson, letter to James Madison; December 20, 1787; The Writings of Thomas Jefferson, p. 385

105. *"... providing for the common defence will merit particular regard... A free people ought not only to be armed but disciplined ..."* – George Washington, **First Annual Address to Congress, January 8, 1790**



106. *"No freeman shall be debarred the use of arms [within his own lands or tenements]."* – **Thomas Jefferson, in an early draft of the Virginia Constitution; The Papers of Thomas Jefferson, p. 353, 363, Julian P. Boyd (ed.), Princeton University Press, May 1, 1950**
107. *"Americans have the right and advantage of being armed, unlike the people of other countries, whose rulers are afraid to trust them with arms."* -- **James Madison; The Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet; January 29, 1788**
108. *"... And that the said Constitution be never construed to authorize Congress to infringe the just liberty of the Press, or the rights of Conscience; or to prevent the people of the United States, who are peaceable citizens, from keeping their own arms; ..."* - **Samuel Adams, "Debates and Proceedings in the Convention of the Commonwealth of Massachusetts," p. 86-87; February 6, 1788**
109. *"Among the natural rights of the Colonists are these: First, a right to life, Secondly to liberty, Thirdly to property; together with the right to defend them in the best manner they can."* -- **Samuel Adams, "The Rights of the Colonists;" November 20, 1772**
110. *"A strong body makes the mind strong. As to the species of exercise, I advise the gun. While this gives moderate exercise to the body, it gives boldness, enterprise and independence to the mind. Games played with the ball and others of that nature are too violent for the body and stamp no character on the mind. Let your gun therefore be the constant companion of your walks."* -- **Thomas Jefferson, letter to his nephew Peter Carr; August 19, 1785; The Papers of Thomas Jefferson, p. 406-408, Julian P. Boyd (ed.), Princeton University Press, May 1, 1950**

111. *"It is ordered, and by this court declared, That all persons that are above the age of sixteen years, except magistrates and church officers, shall bear arms, unless they have, upon just occasion, exemption granted by the court; and every male person within this jurisdiction, above the said age, shall have in continue all readiness, a good musket or other gun, fit for service, ..."* -- **"The Code of 1650" [of Connecticut], published 1825, p. 70**
112. *"A person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use."* -- **Constitution of West Virginia, Article III, Section 22**
113. *"That the people have a right to bear arms for the defense of themselves and their own states or the United States, or for the purpose of killing game; and no law shall be passed for disarming the people or any of them, unless for crimes committed, or real danger of public injury from individuals."* -- **Proposed amendment to the Federal Constitution, Minority of the Pennsylvania Convention, Proposition #7; December 18, 1787**
114. *"They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak if we make a proper use of those means which the God of nature hath placed in our power. The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us."* -- **Patrick Henry, speech before the Virginia Provincial Convention; March 23, 1775**

115. *“And we do Each of us, for ourselves respectively, promise and engage to keep a good Firelock in proper Order, & to furnish Ourselves as soon as possible with, & always keep by us, one Pound of Gun Powder, four Pounds of Lead, one Dozen Gun-Flints, & a pair of Bullet-Moulds, with a Cartouch-Box, or powder-horn & Bag for Balls.”* -- **George Mason, Fairfax County Militia Plan as included with a letter to George Washington; February 6, 1775; published in Letters to Washington and Accompanying Papers: 1774, 1775, National Society of the Colonial Dames of America, Stanislaus Murray Hamilton (ed.), Vol. V, p.95, 1902**
116. *“Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are inevitably ruined.”* (p.45) *“The great object is, that every man be armed... Every one who is able may have a gun.”* (p.386) -- **Patrick Henry, “The Debates in the Several State Conventions on the Adoption of the Federal Constitution...,” Vol. III, 2 ed, Jonathan Elliot (ed.); J. B. Lippincott & Co., 1881**
117. *“The supposed quietude of a good man allures the ruffian; while on the other hand, arms like laws discourage and keep the invader and the plunderer in awe, and preserve order in the world as well as property. The balance of power is the scale of peace. The same balance would be preserved were all the world destitute of arms, for all would be alike; but since some will not, others dare not lay them aside... Horrid mischief would ensue were one half the world deprived of the use of them; for while avarice and ambition have a place in the heart of man, the weak will become a prey to the strong. The history of every age and nation establishes these truths, and facts need but little arguments when they prove themselves.”* -- **attributed to Thomas Paine, writing to religious pacifists, “Thoughts on Defensive**

**War,” Pennsylvania Magazine, July, 1775; published in The Writings of Thomas Paine, Vol. 1, p.56; G.P. Putnam’s Sons, 1894**

118. *"The right of self-defense is the first law of nature; in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and when the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction."* -- **Henry St. George Tucker, in Blackstone's 1768 "Commentaries on the Laws of England.", Judge of the Virginia Supreme Court & U.S. Dist. Court of Virginia**
119. *"Laws that forbid the carrying of arms...disarm only those who are neither inclined nor determined to commit crimes... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."* -- **Thomas Jefferson, in his "Legal Commonplace Book," quoting Cesare Beccaria's An Essay on Crimes and Punishments, translated from the Italian with a commentary, attributed to M. de Voltaire, translated from the French (New York: Stephen Gould, 1809), p.124-125**
120. *"False is the idea of utility that sacrifices a thousand real advantages for one imaginary or trifling inconvenience; that would take fire from men because it burns, and water because one may drown in it; that has no remedy for evils except destruction. The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes".* -- **Thomas Jefferson, in his "Legal Commonplace Book," quoting Cesare Beccaria's An Essay on Crimes and Punishments, translated from the Italian with a commentary, attributed to M. de Voltaire, translated from the French (New York: Stephen Gould, 1809), p.124-125**

121. *"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."* -- **Benjamin Franklin, Historical Review of Pennsylvania, 1759.**
122. *"The best we can hope for concerning the people at large is that they be properly armed."*  
-- **Alexander Hamilton; Federalist No. 29, "Concerning the Militia," from the *Daily Advertiser*, January 10, 1788**
123. *"One of the ordinary modes, by which tyrants accomplish their purposes without resistance, is, by disarming the people, and making it an offense to keep arms, and by substituting a regular army in the stead of a resort to the militia. The friends of a free government cannot be too watchful, to overcome the dangerous tendency of the public mind to sacrifice, for the sake of mere private convenience, this powerful check upon the designs of ambitious men."* – **Constitutional scholar and Supreme Court Justice Joseph Story, LL.D., A Familiar Exposition of the Constitution of the United States, p.264; T. H. Webb & co., January 1842**
124. *"Men trained in arms from their infancy, and animated by the love of liberty, will afford neither a cheap or easy conquest".* -- **From the Declaration of the Continental Congress, 1775; "Journals of the Continental Congress, 1774-1789," Vol II, p.169; Washington, Government Printing Office, 1905**
125. *"The right of the citizens to keep and bear arms has justly been considered as the palladium of the liberties of a republic; since it offers a strong moral check against usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them."* -- **Joseph Story, LL.D., Commentaries on the Constitution of the United States..., Vol III, p.746; Hilliard, Gray, and Company (Boston); Brown, Shattuck, and Co. (Cambridge); 1833**

126. *"Militias, when properly formed, are in fact the people themselves and include all men capable of bearing arms. ... To preserve liberty it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them". -- Richard Henry Lee, "Letters from the Federal Farmer to the Republican;" January 25, 1788*
127. *"No kingdom can be secured otherwise than by arming the people. The possession of arms is the distinction between a freeman and a slave. He, who has nothing, and who himself belongs to another, must be defended by him, whose property he is, and needs no arms. But he, who thinks he is his own master, and has what he can call his own, ought to have arms to defend himself, and what he possesses; else he lives precariously, and at discretion. And though for a while, those, who have the sword in their power, abstain from doing him injury, yet by degrees he will be awed into submission to every arbitrary command." -- James Burgh, Political Disquisitions, Vol. 2, Book III, p.390; Edward and Charles Dilly (London), 1774*
128. *"Are we at last brought to such a humiliating and debasing degradation, that we cannot be trusted with arms for our own defense? Where is the difference between having our arms in our own possession and under our own direction, and having them under the management of Congress? If our defense be the real object of having those arms, in whose hands can they be trusted with more propriety, or equal safety to us, as in our own hands?" -- Patrick Henry, "The Debates in the Several State Conventions on the Adoption of the Federal Constitution....," Vol. III, 2 ed, Jonathan Elliot (ed.), p.168-169; J. B. Lippincott & Co. (Philadelphia), 1881*

129. *“Forty years ago, when the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man [Sir William Keith], who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually, by totally disusing and neglecting the militia.”* – **George Mason, “The Debates in the Several State Conventions on the Adoption of the Federal Constitution...,” Vol. III, 2 ed, Jonathan Elliot (ed.), p.380; J. B. Lippincott & Co. (Philadelphia), 1881**
130. *“No free government was ever founded, or ever preserved in its liberty, without uniting the characters of the citizen and soldier in those destined for the defence of the state... Such are a well regulated militia, composed of the freeholders, citizen and husbandman, who take up arms to preserve their property, as individuals, and their rights as freemen.”* – **unknown author, writing under the pseudonym “MT. Cicero,” State Gazette of South Carolina; September 8, 1788**
131. *“The danger (where there is any) from armed citizens, is only to the government, not to society; and as long as they have nothing to revenge in the government (which they cannot have while it is in their own hands) there are many advantages in their being accustomed to the use of arms, and no possible disadvantage.”* -- **Joel Barlow, "Advice to the Privileged Orders", 1792-93**
132. *“[A]n essential part of the military system is to disarm the people, to hold all the functions of war, as well the arm that executes, as the will that declares it, equally above their reach. This part of the system has a double effect, it palsies the hand and brutalizes the mind: an habitual disuse of physical forces totally destroys the moral; and men lose at once the power of protecting themselves, and of discerning the cause of their oppression.”* – **Joel**

**Barlow, Advice to the Privileged Orders in the Several States of Europe, Resulting from the Necessity and Propriety of a General Revolution in the Principle of Government, Part I, 3<sup>rd</sup> ed, p.97; J. Johnson, St. Paul's Church Yard, January 1793**

xviii - PLAINTIFFS INTERPRETATION OF THE II AMENDMENT

133. Let the plaintiffs, the sovereign of this court, be clear in the most simplest terms: "*The very meaning of 'sovereignty' is that the decree of the sovereign makes law.*" [**American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047**].
134. "*A constitution is designated as a supreme enactment, a fundamental act of legislation by the people of the state. A constitution is legislation direct from the people acting in their sovereign capacity, while a statute is legislation from their representatives, subject to limitations prescribed by the superior authority.*" [**Ellingham v. Dye, 178 Ind. 336; 99 NE 1; 231 U.S. 250; 58 L.Ed. 206; 34 S.Ct. 92; Sage v. New York, 154 NY 61; 47 NE 1096**].
135. We, the sovereign of this court, decree we have a unalienable right to defend ourselves, and this servant government does not have the authority to resist us.
136. We, the sovereign of this court, decree we have an unalienable right to keep and bear Arms and the state shall not infringe.
137. "*In this state, as well as in all republics, it is not the legislation, however transcendent its powers, who are supreme--- but the people--- and to suppose that they may violate the fundamental law is, as has been most eloquently expressed, to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people*



are superior to the people themselves; that the men acting by virtue of delegated powers may do, not only what their powers do not authorize, but what they forbid". [**Warning v. the Mayor of Savannah, 60 Georgia, P. 93**].

**xix - THE MILITIA IS COMPOSED OF THE BODY OF ARMED PEOPLE  
TO MAINTAIN A SUBORDINATE GOVERNMENT**

138. *"That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that, in all cases, the military should be under strict subordination to, and governed by, the civil power."* -- **Virginia Declaration of Rights 13 (June 12, 1776), drafted by George Mason:**
139. *"The power of the sword, say the minority of Pennsylvania, is in the hands of Congress. My friends and countrymen, it is not so, for the powers of the sword are in the hands of the yeomanry of America from sixteen to sixty. The militia of these free commonwealths, entitled and accustomed to their arms, when compared with any possible army, must be tremendous and irresistible. Who are the militia? are they not ourselves? Is it feared, then, that we shall turn our arms each man against his own bosom? Congress has no power to disarm the militia. Their swords, and every other terrible implement of the soldier, are the birthright of an American. What clause in the state or federal constitution hath given away that important right... The unlimited power of the sword is not in the hands of either the federal or state governments, but where I trust in God it will ever remain, in the hands of the people."* – **Tench Coxe, a Pennsylvania delegate to the Continental Congress, writing as "The**

**Pennsylvanian,” To The People of the United States, Philadelphia Federal Gazette,  
February 20, 1788**

**xx - GREAT CONTEMPORARY DEFENDERS OF THE PEOPLES  
UNALIENABLE RIGHT TO KEEP AND BEAR ARMS**

140. *"Among the many misdeeds of the British rule in India, history will look upon the Act depriving a whole nation of arms as the blackest."* – **Mohandas Gandhi, An Autobiography: The Story of My Experiments with Truth, p.446; Beacon Press, November 1, 1993**
141. *"...Virtually never are murderers the ordinary, law-abiding people against whom gun bans are aimed. Almost without exception, murderers are extreme aberrants with lifelong histories of crime, substance abuse, psychopathology, mental retardation and/or irrational violence against those around them, as well as other hazardous behavior, e.g., automobile and gun accidents."* -- **Don B. Kates and Gary Mauser, "Would Banning Firearms Reduce Murder and Suicide?", p.666; Harvard Journal of Law & Public Policy, Vol. 30, No. 2, Spring 2007 < move**
142. *"Banning guns because of their misuse is like banning the First Amendment because one might libel or slander".* -- **Ron Paul**
143. *"There are those in America today who have come to depend absolutely on government for their security. And when government fails they seek to rectify that failure in the form of granting government more power. So, as government has failed to control crime and violence with the means given it by the Constitution, they seek to give it more power at the expense of the Constitution. But in doing so, in their willingness to give up their arms in the*

*name of safety, they are really giving up their protection from what has always been the chief source of despotism -- government. Lord Acton said power corrupts. Surely then, if this is true, the more power we give the government the more corrupt it will become. And if we give it the power to confiscate our arms we also give up the ultimate means to combat that corrupt power. In doing so we can only assure that we will eventually be totally subject to it. When dictators come to power, the first thing they do is take away the people's weapons. It makes it so much easier for the secret police to operate, it makes it so much easier to force the will of the ruler upon the ruled... I believe that the right of the citizen to keep and bear arms must not be infringed if liberty in America is to survive."* – **Ronald Reagan, Guns & Ammo, special column in September 1, 1975 issue**

144. *"The bearing of arms is the essential medium through which the individual asserts both his social power and his participation in politics as a responsible moral being..."* -- **J.G.A. Pocock, The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition, p. 389; Princeton University Press, 1975**

145. *"Certainly one of the chief guarantees of freedom under any government, no matter how popular and respected, is the right of the citizens to keep and bear arms. [...] the right of the citizens to bear arms is just one guarantee against arbitrary government and one more safeguard against a tyranny which now appears remote in America, but which historically has proved to be always possible".* -- **U.S. Senator Hubert H. Humphrey, "Know Your Lawmakers," Guns, February 1960 issue, p. 4**

146. *"Today we need a nation of minute men; citizens who are not only prepared to take up arms, but citizens who regard the preservation of freedom as a basic purpose of their daily*

*life and who are willing to consciously work and sacrifice for that freedom.” – President John F. Kennedy, Commemorative Message on Roosevelt Day, January 29, 1961*

147. *“Those who make peaceful revolution impossible will make violent revolution inevitable”.*  
-- President John F. Kennedy, Address on the First Anniversary of the Alliance for Progress, March 13, 1962; *Public Papers of the Presidents – John F. Kennedy (1962)*, p. 223
148. *“They will come with their guns to take our guns.” – Ron Paul, in a radio interview with Walton and Johnson, January 17, 2013*

#### xxi - WHY GOVERNMENTS DISARM PEOPLE

149. Gun control is the first step to disarmament.
150. *“Both oligarch and tyrant mistrust the people, and therefore deprive them of arms.” -- Aristotle, Politics: A Treatise on Government, Book V; translated from the Greek of Aristotle by William Ellis, A.M.; J M Dent & Sons Ltd. (London & Toronto) & E. P. Dutton & Co. (New York), 1912*
151. *“Forty years ago, when the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man [Sir William Keith], who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually, by totally disusing and neglecting the militia.” – George Mason, “The Debates in the Several State Conventions on the Adoption of the Federal Constitution...,” Vol. III, 2 ed, Jonathan Elliot (ed.), p.380; J. B. Lippincott & Co. (Philadelphia), 1881*

152. *"Before a standing army can rule, the people must be disarmed, as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword, because the whole of the people are armed, and constitute a force superior to any band of regular troops."* -- Noah Webster, **"An Examination into the Leading Principles of the Federal Constitution Proposed by the Late Convention Held at Philadelphia, with Answers to the Principal Objections That Have Been Raised Against the System, by a Citizen of America,"** p. 43; Prichard & Hall, in Market Street, the second door above Laetitia Court; January 1787
153. *"Every Communist must grasp the truth, 'Political power grows out of the barrel of a gun',* -- Mao Tse-tung, **inadvertently endorsing the Second Amendment in a speech at the sixth plenary session of the Central Committee of the Communist Party; November 6, 1938; later published in Selected Works of Mao Tse-tung, vol. 2, p. 272, 1954**
154. *"The most foolish mistake we could possibly make would be to permit the conquered Eastern peoples to have arms. History teaches that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by doing so".* -- Hitler, April 11 1942; **quoted in "Hitler's Table-Talk at the Fuhrer's Headquarters 1941-1942," Dr. Henry Picker, ed., Athenaum-Verlag, Bonn, 1951**
155. **The following statistics were reported in the September 11th, 1999, issue of The Economist magazine, page 7, titled "A League of Evil" (original source: Death by "Gun Control", by Aaron Zelman and Richard W. Stevens; Mazer Freedom Press, Inc; January 1, 2001;**
- a. 1915-1917 Ottoman Turkey banned gun possession, then targeted Armenians (mostly Christians) and killed 1-1.5 million people.

- b. 1929-1945 Soviet Union banned gun possession, then targeted political opponents and farming communities, killing 20 million people.
- c. 1933-1945 Nazi Germany (and occupied Europe) banned gun possession, then targeted political opponents, Jews, Gypsies, and critics, killing 20 million people.
- d. 1927-1949 Nationalist China banned private ownership of guns, then targeted political opponents, army conscripts, and others, killing 10 million people.
- e. 1949-1952; 1957-1960; 1966-1976 Red China instituted death penalty for supplying guns to “counter-revolutionary criminals” and anyone resisting any government program, then targeted political opponents, killing 20-35 million people.
- f. 1960-1981 Guatemala banned gun possession, then targeted Mayans, other Indians, and political enemies, killing 100,000-200,000 people.
- g. 1971-1979 Uganda registered gun owners and instituted warrantless searches, then targeted Christians and political enemies, killing 300,000 people.
- h. 1975-1979 Cambodia registered gun owners then targeted educated persons and political enemies, killing 2 million people.
- i. 1994 Rwanda registered gun owners then targeted Tutsi people and killed 800,000 people.
- j. Unarmed people have no defense against a “democidal” government. In the 20th century alone, governments killed a total of 262 million civilians. [Nobel Peace Prize finalist R.J. Rummel, in an update to statistics originally presented in his *Death by Government*, Transaction Publishers, 1994;

156. John R. Bolton, former United States Under Secretary for Arms Control and International Security urged the United Nations in 2001 to recognize how an “*oppressed non-state group*

*defending itself from a genocidal government”* will need ready access to firearms. Mr. Bolton may have been the first U.S. official in modern history to argue before the UN that private citizens might need to be armed against their own killer governments. [**John R. Bolton, Plenary Address to the UN Conference on the Illicit Trade in Small Arms and Light Weapons, at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects; July 9, 2001;**]

157. Governments murdered four times as many civilians as were killed in all their international and domestic wars combined. [**September 11th, 1999 issue of The Economist magazine, page 7, titled A League of Evil**] How could governments kill so many people? The governments had the power - and the people, the victims, were unable to resist, because the victims were unarmed.

158. History clearly teaches that every government that moves towards gun control ends up killing the people who disagree with it. Disarmed people are neither free nor safe, rather they become the criminals' prey and the tyrants' playthings. When people are defenseless and their government goes rogue, thousands and millions of innocents die.

## xxii - THE SECOND AMENDMENT PRESERVES LIBERTY

159. *"To preserve liberty it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them..."* -- **Richard Henry Lee writing in Letters from the Federal Farmer to the Republic, 1787-1788.**

160. Clearly our founders understood and experienced the need and right to be armed. Nature and logic dictates that self defense is a right.

161. For the state to audaciously infringe upon this unalienable right and duty of man is a direct assault upon Liberty's light. History necessitates their allegiance questioned and motives suspect, for we find it repugnant and an act of tyranny for our government servants to resist and defy the decree<sup>33</sup> of a sovereign People<sup>34</sup>.

### xxiii - PURPOSE OF THE SECOND AMENDMENT

162. In the twentieth century, 170 Million citizens were executed by their own governments, presumably for political reasons, [September 11<sup>th</sup>, 1999 issue of *The Economist* magazine, page 7, titled **A League of Evil**]

163. *"If I were to select a jack-booted group of fascists who are perhaps the largest danger to America in my knowledge, I would pick the BATF [Bureau of Alcohol, Tobacco, and Firearms]. They are a shame and a disgrace to our country!"* – U.S. Representative **John Dingell**, *Field and Stream*, p.41, September 1982

164. *"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists, and will persist."* [Dwight D. Eisenhower's **Farewell Address, January 17, 1961**]

165. President John F. Kennedy in an Address to the American Newspaper Publishers Association on April 27, 1961, three weeks after the Bay of Pigs incident, warned us of

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<sup>33</sup> Second Amendment - the right of the people to keep and bear Arms, shall not be infringed.

<sup>34</sup> The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.] A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the king's image is reflected. [1 Blackstone's Commentaries, 270, Chapter 7, Section 379.]



problems within the councils of government, saying. *“The very word “secrecy” is repugnant in a free and open society; and we are as a people inherently and historically opposed to secret societies, to secret oaths and to secret proceedings. We decided long ago that the dangers of excessive and unwarranted concealment of pertinent facts far outweighed the dangers which are cited to justify it. Even today, there is little value in opposing the threat of a closed society by imitating its arbitrary restrictions. Even today, there is little value in insuring the survival of our nation if our traditions do not survive with it. And there is very grave danger that an announced need for increased security will be seized upon by those anxious to expand its meaning to the very limits of official censorship and concealment. That I do not intend to permit to the extent that it is in my control. And no official of my Administration, whether his rank is high or low, civilian or military, should interpret my words here tonight as an excuse to censor the news, to stifle dissent, to cover up our mistakes or to withhold from the press and the public the facts they deserve to know. Today no war has been declared — and however fierce the struggle may be, it may never be declared in the traditional fashion. Our way of life is under attack. Those who make themselves our enemy are advancing around the globe. The survival of our friends is in danger. And yet no war has been declared, no borders have been crossed by marching troops, no missiles have been fired.”*

166. Today in America we have a federal government with strong influences and economic control over the States. We have presidents that lie to the people, defy Congress, bypass them with executive orders, go to war without congressional approval, maintain secret prisons and private armies like Blackwater, assassinate foreign leaders, assassinate Americans, spy on the people, maintain American terrorist lists and no-fly lists, call patriots who belong to liberty

groups terrorists, call returning veterans potential terrorists, and this sitting president prepares to send drones over America.

167. We have a Congress that passes bill after bill that they do not author, or read, all without any concern for the Constitution.

168. We have cameras everywhere; a compliant press; an unnecessary energy crisis: genetically modified foods; fluoride in our water; mercury in our inoculations; hormones, dyes, and antibiotics in our food supply; chemtrails in our skies; a federal reserve contrived monetary crisis; and a constitutional crisis.

169. We have more people in jail than any other country, per population, and we are moving towards corporatism<sup>35,36</sup> at an alarming rate.

170. In short, an out of control government that ignores the people, and when you add gun control to the list along with the mantra "necessity", it is an undeniable recipe for tyranny.

171. Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.

172. Needless to say, the state has no authority to license, restrict, or disarm the people, nor should it be moving in that direction. If our founding fathers taught us anything, they taught us that only tyrants want gun control.

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<sup>35</sup> Socialism is a system where the government directly owns and manages businesses. Corporatism is a system where businesses are nominally in private hands, but are in fact controlled by the government. In a corporatist state, government officials often act in collusion with their favored business interests to design policies that give those interests a monopoly position, to the detriment of both competitors and consumers

<sup>36</sup> "If the American people ever allow private banks to control the issue of their currency, first by inflation, then by deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children wake up homeless on the continent their Fathers conquered...I believe that banking institutions are more dangerous to our liberties than standing armies..."

xxiv - **THE CONCLUSION IS INESCAPABLE**

173. *"The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner". -- Report of the Subcommittee On The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y4.J 89/2: Ar 5/5*
174. *"In recent years it has been suggested that the Second Amendment protects the "collective" right of states to maintain militias, while it does not protect the right of "the people" to keep and bear arms. If anyone entertained this notion in the period during which the Constitution and the Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known writing surviving from the period between 1787 and 1791 states such a thesis". -- Stephen P. Halbrook, "That Every Man Be Armed": The Evolution of a Constitutional Right (revised and updated), p. 91; UNM Press, 2013*
175. *"Americans have the will to resist because you have weapons. If you don't have a gun, freedom of speech has no power." -- Yoshimi Ishikawa, Japanese author and social commentator, quoted in "Japanese Overcome Culture, Vent Outrage Over Scandal: Politics: Public anger drives a kingpin from Parliament--in contrast to society's usual passivity," Los Angeles Times, October 15, 1992*

176. *"Whether the authorities be invaders or merely local tyrants, the effect of such [gun control] laws is to place the individual at the mercy of the state, unable to resist." -- Robert Anson Heinlein, 1949*

177. *"In the Militia Act of 1792, the second Congress defined 'militia of the United States' to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and a minimum supply of ammunition and military equipment. This statute, incidentally, remained in effect into the early years of the [20<sup>th</sup>] century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of a 'militia', they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, which the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a 'well regulated militia' of individuals trained in their duties and responsibilities as citizens and owners of firearms. "If gun laws in fact worked, the sponsors of this type of legislation should have no difficulty drawing upon long lists of examples of crime rates reduced by such legislation. That they cannot do so after a century and a half of trying — that they must sweep under the rug the southern attempts at gun control in the 1870-1910 period, the northeastern attempts in the 1920-1939 period, the attempts at both Federal and State levels in 1965-1976 — establishes the repeated, complete and inevitable failure of gun laws to control serious crime. "Immediately upon assuming chairmanship of the Subcommittee on the Constitution, I sponsored the report which follows as an effort to study, rather than ignore, the history of the controversy over the right to keep and bear arms. Utilizing the research capabilities of the*

*Subcommittee on the Constitution, the resources of the Library of Congress, and the assistance of constitutional scholars such as Mary Kaaren Jolly, Steven Halbrook, and David T. Hardy, the subcommittee has managed to uncover information on the right to keep and bear arms which documents quite clearly its status as a major individual right of American citizens. We did not guess at the purpose of the British 1689 Declaration of Rights; we located the Journals of the House of Commons and private notes of the Declaration's sponsors, now dead for two centuries. We did not make suppositions as to colonial interpretations of that Declaration's right to keep arms; we examined colonial newspapers which discussed it. We did not speculate as to the intent of the framers of the second amendment; we examined James Madison's drafts for it, his handwritten outlines of speeches upon the Bill of Rights, and discussions of the second amendment by early scholars who were personal friends of Madison, Jefferson, and Washington and wrote while these still lived. What the Subcommittee on the Constitution uncovered was clear — and long-lost — proof that the second amendment to our Constitution was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms.” -- Senator Orrin Hatch, January 20, 1982, in a preface to the Report of the Subcommittee On The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y 4.J 89/2: Ar 5/5*

178. *“[Those] who are trying to read the Second Amendment out of the Constitution by claiming that it’s not an individual right or that it’s too much of a safety hazard [are] courting disaster by encouraging others to use the same means to eliminate portions of the Constitution they don't like.” – Alan Dershowitz, Harvard Law professor, quoted in the*

**Capitalism magazine article, "The Second Amendment Strikes Back," by Larry Elder,  
June 3, 2002**

179. *"Seventy-four percent of the illegal gunowners commit street crimes, 24 percent commit gun crimes, and 41 percent use drugs. Boys who own legal firearms, however, have much lower rates of delinquency and drug use and are even slightly less delinquent than non-owners of guns. "The socialization into gun ownership is also vastly different for legal and illegal gun owners. Those who own legal guns have fathers who own guns for sport and hunting. On the other hand, those who own illegal guns have friends who own illegal guns and are far more likely to be gang members. For legal gun owners, socialization appears to take place in the family; for illegal gun owners, it appears to take place 'on the street.'"* -- U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, NCJ 143454, "Urban Delinquency and Substance Abuse: Research Summary," p.18, March 1994
180. *"A historical examination of the right to bear arms, from English antecedents to the drafting of the Second Amendment, bears proof that the right to bear arms has consistently been, and should still be, construed as an individual right."* – **U.S. District Judge Sam R. Cummings, Memorandum Opinion in United States of America vs. Timothy Joe Emerson, March 30, 1999**
181. *"No matter how one approaches the figures, one is forced to the rather startling conclusion that the use of firearms in crime was very much less when there were no controls of any sort and when anyone, convicted criminal or lunatic, could buy any type of firearm without restriction. Half a century of strict controls on pistols has ended, perversely, with a*

*far greater use of this weapon in crime than ever before". -- Colin Greenwood, in the study "Firearms Control", 1972*

XXV - DUTY OF COURTS<sup>37,38</sup>

182. *"High Treason in English law. Treason against the king or sovereign, as distinguished from petit or petty treason, which might formerly be committed against a subject." [4 Bl.Comm. 74, 75; 4 Steph. Comm. 183, 184]*
183. *"It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any stealthy encroachments thereon" [Boyd v. United States, 116 U.S. 616, 635]*
184. *"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." [Downs v. Bidwell, 182 U.S. 244 (1901) ]*
185. *"We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." [Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200]*

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<sup>37</sup> **42 USC §1986 - Action for neglect to prevent** - Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, 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, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

<sup>38</sup> **18 USC § 2382** - Misprision of treason Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

xxvi - **THERE MUST BE A REMEDY**

186. Common law is clear "*there must be a remedy*", the only possible way to remedy the illegal withholding of the plaintiffs rights is for the defendants to clearly and completely inform the people that they have a right to purchase and own firearms without permission and make provisions for responsible firearm sales without a permit immediately.
187. "*The innocent individual who is harmed by an abuse of governmental authority is assured that he will be compensated for his injury.*" [**Owen v. City of Independence**].
188. "... *for that very reason, within the cognizance of the common law courts of justice, for it is a settled and invariable principle in the laws of England that every right, when withheld, must have a remedy, and every injury its proper redress...*" [**5 U.S. 137, Marbury v. Madison**]
189. "*The Government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right.*" [**Marbury v. Madison, 5 U.S. 137 (1803)**]
190. "... *that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land.*" [**Hoke vs. Henderson, 15, N.C.15,25 AM Dec 677**].



xxvii - CONCLUSION

191. *"In every stage of these oppressions we have petitioned for redress in the most humble terms, but our repeated petitions have been answered only by repeated injury. We have warned them, from time to time"*, of the attempts by their legislation to extend unwarrantable jurisdiction over us, and it is now clear that the servants that exercise such evil<sup>39</sup> legislation are deaf to the voice of justice. *"So, let this candid fact be proclaimed"*, only uncontrolled firearms prevent absolute despotism and preserves liberty.

192. It is befitting to conclude this paper with the words of Thomas Jefferson, the Father and Spirit of our American Revolution -- *"I would rather be exposed to inconveniences attending too much liberty than those attending too small a degree of it."* – **Thomas Jefferson, in a letter to Archibald.** *"[W]henver the people are well informed, they can be trusted with their own government; that whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights."* – **Thomas Jefferson, in a letter to Richard Price, January 8, 1789**

**WHEREFORE**, the people move this court to find for the people, and declare N.Y. PEN. CODE §265, §400 and the recent New York SAFE Act as pretended law, an infringement upon the unalienable rights of the people, repugnant to the Second Amendment, and therefore null and void, and for the following orders with enforcement:

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<sup>39</sup> It is an "evil" within rule that either means or end of conspiracy must be evil, to frustrate or impede a government function, whether that function is performed under a constitutional or an unconstitutional law. [U. S. v. Rhoads, D.C. D.C., 48 F.Supp. 175, 176].

(A) Judgment order, with enforcement, that the Governor of New York State is to, within three days, restore the law of the land and recompense for his dereliction of duty and abuse of power by calling a press conference to proclaim publicly that N.Y. PEN. CODE LAW §265, §400 and the recent New York Safe Act is pretended law, and is an assault upon the people of New York's unalienable rights and therefore is immediately null and void. And, that *Only Congress can make an act a crime, affix punishment to it, and declare court that shall have jurisdiction.*" [U.S. v. Beckford, 966 F.Supp. 1415 (1997)] and therefore no county, city, town, or village has the authority to make law or refuse the unalienable rights of the people as protected by the 2nd amendment for the state, and

(B) Judgment order, with enforcement, that the New York State Senate is to, within three days, restore the law of the land and recompense for their dereliction of duty and abuse of power by calling a press conference to proclaim publicly that N.Y. PEN. CODE LAW §265, §400 and the recent New York Safe Act is pretended law, and is an assault upon the people of New York's unalienable rights and therefore immediately is null and void. And, that *Only Congress can make an act a crime, affix punishment to it, and declare court that shall have jurisdiction.*" [U.S. v. Beckford, 966 F.Supp. 1415 (1997)] and therefore no county, city, town, or village has the authority to make law or refuse the unalienable rights of the people as protected by the 2nd amendment for the state, and

(C) Judgment order, with enforcement, that the New York State Assembly is to, within three days, restore the law of the land and recompense for their dereliction of duty and abuse of power by calling a press conference to proclaim publicly that N.Y. PEN. CODE LAW §265, §400 and the recent New York Safe Act is pretended law, and is an assault upon the people of New York's unalienable rights and therefore is immediately null and void. And, that *Only Congress can make*

*an act a crime, affix punishment to it, and declare court that shall have jurisdiction."* [**U.S. v. Beckford, 966 F.Supp. 1415 (1997)**] and therefore no county, city, town, or village has the authority to make law or refuse the unalienable rights of the people as protected by the 2nd amendment for the state.

(D) The New York State Governor, Senate and Assembly is to, within three days, provide for all firearm venders and/or dealers database access to run background checks, for the prevention of firearm sales to people with a history of violent crimes. New York State is not to collect and or maintain any data on the people.

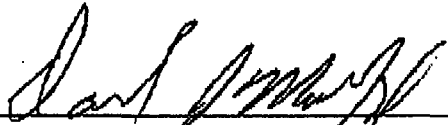
(E) The New York State Senate and Assembly is to, within three days rescind N.Y. PEN. CODE LAW §265, §400, and New York SAFE Act, and provide statutes "for venders" preventing the sales of all firearms to minors under the age of eighteen without a parent present, provide statutes requiring all firearms in all New York cities to be concealed, and

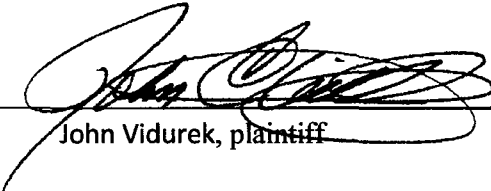
(G) Any threat or assault upon a fellow people with a firearm is punishable by fine, or imprisonment, or both but only upon the indictment of a grand jury, from among the people, (not on a government payroll), or upon the sworn affidavit of an injured party and is to be determined under common law by a jury of his peers.

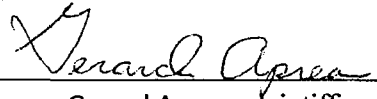
(H) Order for immediate enforcement of the aforementioned A, B, C, D, E, F, and G by warrants delivered to the sheriff of Albany County; and for service upon the Governor of New York State, the New York State Senate, and the New York State Assembly, and

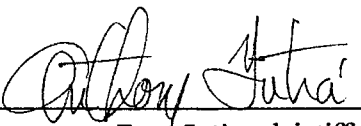
(I) Reimbursement for all expenses incurred to bring this action, including court costs, together with such other and further relief as might be just under the circumstances.

March 4, 2013

  
\_\_\_\_\_  
David Mongiello, plaintiff

  
\_\_\_\_\_  
John Vidurek, plaintiff

  
\_\_\_\_\_  
Gerard Aprea, plaintiff

  
\_\_\_\_\_  
Tony Futia, plaintiff

Affidavit of **DAVID J MANGIOLA**

I, David J Mangiolo, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and assembly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue. History proves that gun control, starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my rights, and just "leave me alone"..



NOTARY

State of New York, County of Niagara on this 1st day of March, 2013 before me David J Mangiolo the subscriber, personally appeared \_\_\_\_\_ to me known to be the living man describe in and who executed the foregoing instrument and sworn before me that he executed the same as his free will act and deed.

  
Notary

My commission expires: 2016  
(Notary Seal)

**CAROL L. STUART**  
Notary Public, State of New York  
No. 01ST6253742  
Qualified in Niagara County  
My Commission Expires January 3, 2016

## **Affidavit of John E Vidurek**

I, John E Vidurek, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and assembly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm, this is an act of tyranny.

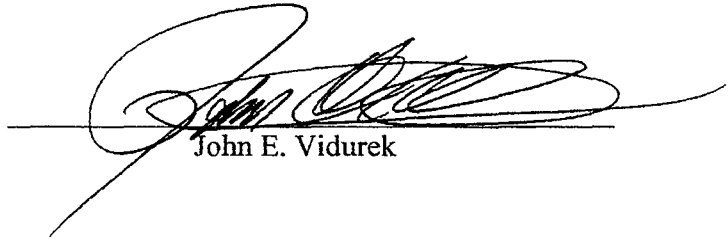
I filed for a pistol permit in Dutchess County about November 2011, as of today March 2, 2013, about 16 months since I have filed for a permit, I have yet to receive a permit. I called the Sheriff office numerous times and was transferred to the pistol permit office where they never answer their phones. I have left numerous messages over the past year and they have never had the common decency of returned even just one of my phone calls.

About two weeks ago I spoke to, I believe, Detective Letizia who is in charge of the pistol permit department. He told me that I would receive word on the permit in a few days, I am still waiting.

As one of the people I should not need a permit to own and carry a pistol, I have an unalienable right to keep and bear arms and a to defend myself. If I could purchase a pistol I would not be seeking a permit but the state has made it impossible to purchase a pistol here in New York without a permit. The state has convinced people that statutes are laws and therefore gun shops will not sell me a pistol thinking that I am a subject, not knowing about people. I cannot purchase a pistol in another state without proving domicile within the state.

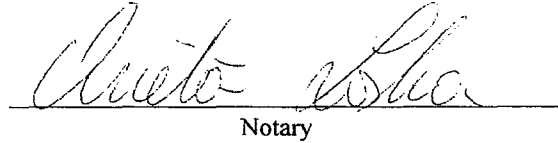
Another problem I have, should I be able to purchase a pistol here in New York is, if a police officer should find me in possession of a weapon, because of his/her ignorance to the difference between a "subject" and a "people", I being the latter, and the "true law of the land" I would no doubt be violently kidnapped under the color of law. Although I would bring criminal and civil charges against the officer, judge and prosecutor I would no doubt take up residency, against my will, for a period of time in their jail house hotel, I would of course eventually sue "personally" all the individuals involved for \$25,000 per day for my unwanted stay. Nevertheless I enjoy my freedom and would prefer not making money that way.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue, and it is no doubt leaning that way. History proves that gun control, "IN EVERY CASE" starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my unalienable rights, make the purchase of all weapons available to the people, and just "leave me alone".

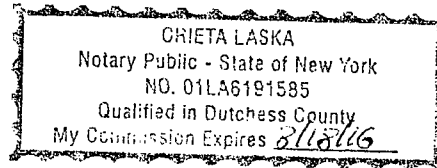
  
John E. Vidurek

**NOTARY**

New York State, Dutchess County on this 2 day of March, 2013 before me <sup>ex</sup> Orjeta Laska the subscriber, personally appeared John Vidurek to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

  
Notary

My commission expires: 2/18/16  
(Notary Seal)



Affidavit of Gerard Aprea

I, Gerard Aprea, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and assembly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue. History proves that gun control, starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my rights, and just "leave me alone"..

Gerard Aprea

NOTARY

State of New York, County of WESTCHESTER on this 2nd day of MARCH, 2013 before me ANTHONY FUTIA JR., the subscriber, personally appeared GERARD APREA to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

Anthony Futia Jr.  
Notary

My commission expires: 7/5/13  
(Notary Seal)

**ANTHONY FUTIA JR.**  
**NOTARY PUBLIC, State of New York**  
**No. 01FU612897**  
**Qualified in Westchester County**  
**Commission Expires 7/5/13**



Affidavit of James A. Tranquill

I, JAMES A. TRANQUILL, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and assembly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue. History proves that gun control, starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my rights, and just "leave me alone"..

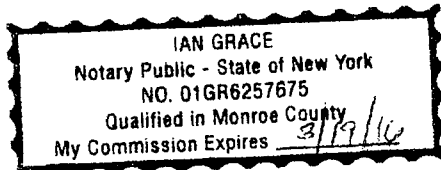
James A. Tranquill

NOTARY

State of New York, County of MONROE on this 18<sup>th</sup> day of FEBRUARY, 2013  
before me IAN GRACE, the subscriber, personally appeared JAMES A. TRANQUILL  
to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

Ian Grace  
Notary

My commission expires: 3/19/16  
(Notary Seal)



Affidavit of Randall A Nicholson

I, Randall A Nicholson, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and assembly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue. History proves that gun control, starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my rights, and just "leave me alone"..

[Handwritten Signature]

NOTARY

State of New York, County of SARATOGA on this 19<sup>th</sup> day of FEBRUARY, 2013 before me ALICE M. LISSOW, the subscriber, personally appeared RANDALL A. NICHOLSON to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

[Handwritten Signature]  
Notary

My commission expires: 12-14-13  
(Notary Seal)

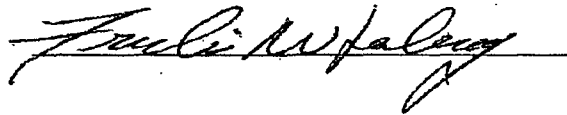
ALICE M. LISSOW  
Notary Public, State of New York  
Qualified in Saratoga County  
Reg. #01LI6214691  
My Commission Expires Dec. 14, 2013

Affidavit of FREDERIC W. LOHREY

I, FREDERIC W. LOHREY, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

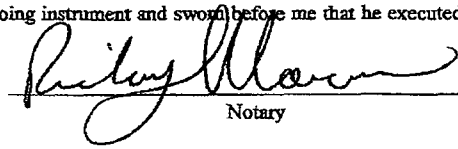
I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and assembly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue. History proves that gun control, starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my rights, and just "leave me alone"..



NOTARY

State of New York, County of ERIE on this 21<sup>st</sup> day of FEB., 2013  
before me FREDERIC W. LOHREY, the subscriber, personally appeared \_\_\_\_\_  
to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

  
Notary

My commission expires: 11/30/13  
(Notary Seal)

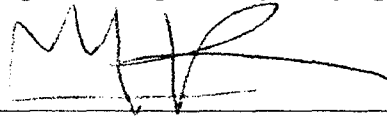
RICHARD J. MANCUSO  
Notary Public, State of New York  
Qualified in Erie County #01MA4660634  
My Commission Expires 11-30-20 13

Affidavit of Hesham EL-Meligy

I, Hesham EL-Meligy Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

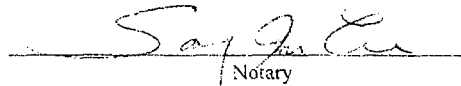
I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and asscmbly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue. History proves that gun control, starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my rights, and just "leave me alone"..



NOTARY

State of New York, County of Ryeck-Melid on this 15<sup>th</sup> day of FEBRUARY, 2013 before me SANG IAN LEE, the subscriber, personally appeared Hesham EL-Meligy to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

  
Notary

My commission expires: OCT 1 2013  
(Notary Seal)

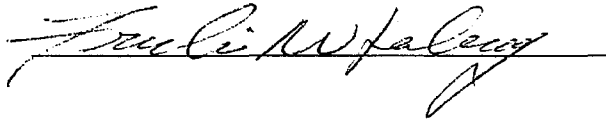
NOTARY PUBLIC  
SANG IAN LEE  
1000 10th Ave  
New York, NY 10018  
2013

**Affidavit of FREDERIC W. LONREY**

I, FREDERIC W. LONREY, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

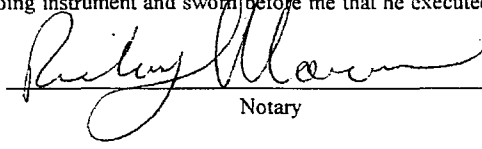
I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and assembly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue. History proves that gun control, starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my rights, and just "leave me alone"..



**NOTARY**

State of New York, County of ERIE on this 21<sup>st</sup> day of FEB., 2013  
before me FREDERIC W. LONREY, the subscriber, personally appeared \_\_\_\_\_  
to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

  
Notary

My commission expires: 11/30/13  
(Notary Seal)

RICHARD J. MANCUSO  
Notary Public, State of New York  
Qualified in Erie County #01MA4660634  
My Commission Expires 11-30-20 13

Affidavit of \_\_\_\_\_

I, Anthony Futa, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

I have an unalienable right to be armed in order to defend my family, self, and property. I also have a right to feel secure in my own land from tyrants seeking to seize control of America. As one of the people of New York our state governor, senate, and assembly, hereinafter the state, has written statutes under the pretence of law in order to govern my behavior and infringe upon my unalienable right to be armed. The state has initiated gun control requiring that I explain why I want to be armed and that I be licensed in order to own and/or carry a firearm.

The state also maintains a file on me as to what firearms I might own, with serial numbers, and their location, this is intimidating and a serious problem should the state go rogue. History proves that gun control, starting with licensing, is a first step of tyrants. I demand that the state destroy the file that they keep on me and stop their spying and infringement upon my rights, and just "leave me alone"..

Anthony Futa

NOTARY

State of New York, County of Westchester on this 3<sup>rd</sup> day of March, 2013  
before me Anthony Futa, the subscriber, personally appeared \_\_\_\_\_  
to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

My commission expires: 1/21/2015  
(Notary Seal)

[Signature]  
Notary

LORI J. ZAWACKI  
Notary Public, State of New York  
No. 01ZA6015584  
Qualified in Westchester County  
Commission Expires 1/21, 2015

**New York State Supreme Court, Albany County**

David Mongielo, John Vidurek, Gerard Aprea, Anthony Futia, et al. )

INDEX NO \_\_\_\_\_

Plaintiffs; )

Magistrate \_\_\_\_\_

- against - )

**LAW OF THE CASE**

GOVERNOR ANDREW CUOMO, NEW YORK STATE SENATE (62 MEMBERS) )  
AND NEW YORK STATE ASSEMBLY (150 MEMBERS) )

Defendant. )

**JUDICIAL NOTICE<sup>1</sup>**

**The law of the case is Decreed as follows:**

**I IMMUNITY:** - "*Where there is no jurisdiction, there can be no discretion*"

Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. [Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)]

There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. [Cooper v. O'Conner, 99 F.2d 133]

A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts. [Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938)]

"The courts are not bound by an officer's interpretation of the law under which he presumes to act." [Hoffsomer v. Hayes, 92 Okla 32, 227 F. 417]

<sup>1</sup> [Black's Law Dictionary, 5th Edition, page 760.] Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence.

"Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction." [Piper v. Pearson, 2 Gray 120, cited in Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872)]

35 "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it." ... "It is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations which it  
40 imposes on the exercise of the authority which it gives." [U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 (1882)]

II **S**OVEREIGNTY: - *The very meaning of 'sovereignty' is that the decree of the sovereign makes law*

*"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business.... The people of this state do not yield their sovereignty to the agencies which serve  
45 them. ...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 @DALL (1793) pp471-472.]

*"The very meaning of 'sovereignty' is that the decree of the sovereign makes law".* [American  
50 Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

*"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.  
55 Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]

*"A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice".* (Fortesc.c.8. 2Inst.186) *"His judges are the mirror by which the king's image is reflected".* [1 Blackstone's Commentaries, 270, Chapter 7, Section 379.]



(emphasis added) [MERRION ET AL., DBA MERRION & BAYLESS, ET AL. v. JICARILLA APACHE TRIBE ET AL. 1982.SCT.394 , 455 U.S. 130, 102 S. Ct. 894, 71 L. Ed. 2d 21, 50 U.S.L.W. 4169 pp. 144-148].

**III RIGHTS:** - *The state cannot diminish rights of the people*

*"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 US 22, 24.]*

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

*"There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights". [Sherer v. Cullen, 481 F 946.]*

100 *"The state cannot diminish rights of the people." [Hurtado v. People of the State of California, 110 U.S. 516]*

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

110 *"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; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." [Constitution for the United States of America, Article VI, Clause 2.]*

**IV LAW:** - *The common law is the real law*

AT LAW. [Bouvier's Law, 1856 Edition] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

115 "The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are not the law", [Self v. Rhay, 61 Wn (2d) 261]

"All laws, rules and practices which are repugnant to the Constitution are null and void" [Marbury v. Madison, 5th US (2 Cranch) 137, 180]

120 "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047]

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law;" [Yick Wo v. Hopkins, 118 US 356, 370 (Undersigned is Sovereign and no court has challenged that status/standing)]

V **C****O****R**T - An agency of the sovereign created by it directly or indirectly under its authority

125 COURT - The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

COURT - "An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of  
130 applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority". [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

VI **C****O****U**R**T**S OF **R****E****C****O****R**D - a judicial tribunal ... independently of the person of the magistrate

135 COURTS OF RECORD AND COURTS NOT OF RECORD - "The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded". [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52

140 Cal 225; *Erwin v. U.S., D.C.Ga.*, 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231].

"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].

NEW YORK STATE CONSTITUTION ARTICLE VI ... As of right, from a judgment or order of a Court of Record of original jurisdiction which finally determines an action or special proceeding where the only question involved on the appeal is the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States; and on any such appeal only the constitutional question shall be considered and determined by the court.

To be a court of record a court must have four characteristics, and may have a fifth, they are:

A) "*A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it*" [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][Black's Law Dictionary, 4th Ed., 425, 426]

B) "*Proceeding according to the course of common law*" [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][Black's Law Dictionary, 4th Ed., 425, 426]

C) "*Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony.*" [3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher, C.C.Ga.*, 24 F. 481; Ex parte Thistleton, 52 Cal 225; *Erwin v. U.S., D.C.Ga.*, 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231]

D) "*Has power to fine or imprison for contempt.*" [3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher, C.C.Ga.*, 24 F. 481; Ex parte Thistleton, 52 Cal 225;

Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

170 E) "*Generally possesses a seal.*" [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

175 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*  
180 *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)].

185 A court of record is a superior court. A court not of record is an inferior court. Inferior courts are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law. Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court.

190 "The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a superior court may be shown not to have had power to render a particular judgment by reference to its record. Note, however, that a 'superior court' is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in  
195 a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be.

COURT OF RECORD - Conclusion, from the definitions above, that a court of record is a court which must meet the following criteria:

- 1) Generally has a seal
- 200 2) Power to fine or imprison for contempt
- 3) Keeps a record of the proceedings
- 4) Proceeding according to the common law (not statutes or codes)
- 5) The tribunal is independent of the magistrate (judge)

NOTE that a judge is a magistrate and is not the tribunal. The tribunal is either the sovereign  
205 himself, or a fully empowered jury (not paid by the government)

The court of appeals, the supreme court including the appellate divisions thereof, the court of claims, the county court, the surrogate's court, the family court, the courts or court of civil and criminal jurisdiction of the city of New York, and such other courts as the legislature may determine shall be courts of record. **[New York State Constitution Article VI, 1b (2)b]**

210 **N.Y.JUD.LAW §753: NY Code Section 753:** (A) A court of record has power to punish, by fine and imprisonment, or either, a neglect or violation of duty, or other misconduct, by which a right or remedy of a party to a civil action or special proceeding, pending in the court may be defeated, impaired, impeded, or prejudiced, in any of the following cases:

(1) An attorney, counselor, clerk, sheriff, coroner, or other person, in any manner duly selected  
215 or appointed to perform a judicial or ministerial service, for a misbehavior in his office or trust, or for a willful neglect or violation of duty therein; or for disobedience to a lawful mandate of the court, or of a judge thereof, or of an officer authorized to perform the duties of such a judge.

(2) A party to the action or special proceeding, for putting in fictitious bail or a fictitious surety, or for any deceit or abuse of a mandate or proceeding of the court.

220 (3) A party to the action or special proceeding, an attorney, counselor, or other person, for the non-payment of a sum of money, ordered or adjudged by the court to be paid, in a case where by law execution cannot be awarded for the collection of such sum except as otherwise specifically provided by the civil practice law and rules; or for any other disobedience to a lawful mandate of the court.

225 (4) A person, for assuming to be an attorney or counselor, or other officer of the court, and acting  
as such without authority; for rescuing any property or person in the custody of an officer, by  
virtue of a mandate of the court; for unlawfully detaining, or fraudulently and willfully  
preventing, or disabling from attending or testifying, a witness, or a party to the action or special  
proceeding, while going to, remaining at, or returning from, the sitting where it is noticed for  
230 trial or hearing; and for any other unlawful interference with the proceedings therein.

(5) A person subpoenaed as a witness, for refusing or neglecting to obey the subpoena, or to  
attend, or to be sworn, or to answer as a witness.

(6) A person duly notified to attend as a juror, at a term of the court, for improperly conversing  
with a party to an action or special proceeding, to be tried at that term, or with any other person,  
235 in relation to the merits of that action or special proceeding; or for receiving a communication  
from any person, in relation to the merits of such an action or special proceeding, without  
immediately disclosing the same to the court; or a person who attends and acts or attempts to act  
as a juror in the place and stead of a person who has been duly notified to attend.

(7) An inferior magistrate, or a judge or other officer of an inferior court, for proceeding,  
240 contrary to law, in a cause or matter, which has been removed from his jurisdiction to the court  
inflicting the punishment; or for disobedience to a lawful order or other mandate of the latter  
court.

(8) In any other case, where an attachment or any other proceeding to punish for a contempt, has  
been usually adopted and practiced in a court of record, to enforce a civil remedy of a party to an  
245 action or special proceeding in that court, or to protect the right of a party.

When the contempt is not committed in the immediate view and presence of the court, or of the  
judge at chambers, an affidavit shall be presented to the court or judge of the facts constituting  
the contempt, or a statement of the facts by the referees or arbitrators, or other judicial officers...

## VII **M**AGISTRATE - Judges are magistrates

250 **MAGISTRATE** - A person holding official power in a government; as: a The official of highest  
rank in a government (chief, or first, magistrate). b An official of a class having summary, often  
criminal, jurisdiction. [**Merriam-Webster Dictionary**]



MAGISTRATE - an official entrusted with administration of the laws [**Black's Law Dictionary, 4th Ed., 1103**].

255 MAGISTRATE - Person clothed with power as a public civil officer. [**State ex rel. Miller v. McLeod, 142 Fla. 254, 194 So. 628, 630**].

MAGISTRATE - "A public officer belonging to the civil organization of the state, and invested with powers and functions which may be either judicial, legislative, or executive. But the term is commonly used in a narrower sense, designating, in England, a person entrusted with the  
260 commission of the peace, and, in America, one of the class of inferior judicial officers, such as justices of the peace and police justices". [**Martin v. State, 32 Ark. 124; Ex parte White, 15 Nev. 146, 37 Am. Rep. 466; State v. Allen, 83 Fla. 655, 92 So. 155, 156; Merritt v. Merritt, 193 Iowa 899, 188 N.W. 32, 34**].

The word "magistrate" does not necessarily imply an officer exercising any judicial functions,  
265 and might very well be held to embrace notaries and commissioners of deeds. [**Schultz v. Merchants' Ins. Co., 57 Mo. 336**].

Judges are magistrates [**N.Y. CRC. LAW § 30 : NY Code - Section 30:**]

Judges as Magistrates **New York Family Court - Part 5 - § 151**

**SECTION 146 OF THE NEW YORK CODE OF CRIMINAL PROCEDURE** defines a magistrate as an  
270 officer having power to issue a warrant for the arrest of a person charged with a crime. This broad definition embraces the judges of the Supreme Court, the County Courts and General Sessions of the County of New York, as well as a number of local courts of limited jurisdiction authorized by law to act in criminal matters.

...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to  
275 guide, shall allow the said charters pleaded before them in judgment in all their points, that is to wit, the Great Charter as the common law.... [**Confirmatio Cartarum, November 5, 1297, Sources of Our Liberties Edited by Richard L. Perry, American Bar Foundation**]

Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. [**Magna Carta, Article 34**].

280VIII **S**UIT - The witnesses or followers of the plaintiff

SUIT [Black's Law Dictionary, 4th Ed.,] - The witnesses or followers of the plaintiff. [3 Bl. Comm. 295. See Secta;].

285 SUIT [Black's Law Dictionary, 4th Ed.,] - A generic term, of comprehensive signification, and applies to any proceeding by one person or persons against another or others in a court of justice in which the plaintiff pursues, in such court, the remedy which the law affords him for the redress of an injury or the enforcement of a right, whether at law or in equity. **Kohl v. U.S., 91 U.S. 375, 23 L.Ed. 449; Weston v. Charleston, 2 Pet. 464, 7 L.Ed. 481; Syracuse Plaster Co. v. Agostini Bros. Bldg. Corporation, 169 Misc. 564 7 N.Y.S.2d 897.**

## IX **T**RIBUNAL

290 TRIBUNAL "*The seat of a judge; the place where he administers justice. The whole body of judges who compose a jurisdiction; a judicial court; the jurisdiction which the judges exercise.*" **Foster v. Worcester, 16 Pick. (Mass.) 81.**

295 TRIBUNE [Webster's New Practical Dictionary, 707 (1953) G. & C. Merriam Co., Springfield, Mass.] - 1. In ancient Rome, a magistrate whose special function was to protect the interests of plebeian citizens from the patricians. 2. Any defender of the people.

X **R**ECORD - the process, the pleadings, the verdict and the judgment

A "*minute order*" issued by a judge is not part of the record.

300 RECORD - The proceedings of the courts of common law are records. But every minute made by a clerk of a court for his own future guidance in making up his record is not a record. **4 Wash. C.C. 698. See 10 Penn. St. 157; 2 Pick. Mass. 448; 4 N. II. 450; 6 id. 567; 5 Ohio St. 545; 3 Wend. N.Y. 267; 2 Vt. 573; 6 id. 580; 5 Day, Conn. 363; 3 T. B. Monr. Ky. 63.**

305 "The Common-Law Record consists of the process, the pleadings, the verdict and the judgment. After judgment, such errors were reviewable by Writ of Error. Errors which occurred at the trial were not part of the Common-Law Record, and could be reviewed by a motion for a new trial, after verdict and before judgment; by statute, such errors could be reviewed after judgment by



incorporating them into the record by means of a bill of exceptions. It was therefore essential to keep clearly in mind the distinction between matter of record and matter of exception.

"Under the ancient practice, the proceedings in a litigated case were entered upon the parchment roll, and when this was completed, the end product became known as the Common-Law Record.

310 It consisted of four parts,

(1) the process, which included the original writ and the return of the Sheriff, by which the court acquired jurisdiction over the defendant;

315 (2) the pleadings, presented by the parties in the prescribed order to develop an issue of law or of fact, and which included the declaration and all subsequent pleadings, together with the demurrers, if any;

(3) the Verdict;

(4) and the Judgment.

320 These four elements formed the Common-Law Record, but it should be observed that at the point where the retrospective motions come into play, the record has not been developed beyond the stage of entering the verdict upon the roll. At this point it should also be recalled that between the time when the pleadings terminated in an issue, which joinder in issue was duly recorded on the parchment roll, and the time when an entry of the verdict was made, nothing was recorded on the parchment roll. The reason for this was that between the joinder of issue and the rendition of the verdict, the trial takes place, and what occurs during this trial does not appear upon the face  
325 of the Common-Law Record. Thus, offers and rejection of evidence, the court's instruction of the jury, or its refusal to instruct as requested by counsel, or any misconduct connected with the trial, such as prejudicial remarks on the part of the court, and the like—that is—any Error that occurs at the Trial—cannot be corrected by resort to the Common-Law Record because not apparent upon its face. Such errors were preserved only in the notes made by the presiding judge,  
330 or in his memory, and were reviewable, after verdict and before final judgment, by a motion for new trial made before the Court En Banc at Westminster, within four days after the commencement of the next term following the rendition of the verdict. As each of the judges of the court had motions of a similar character coming up for decision from the trials over which

they had presided, the natural inclination of each judge was to support the rulings of his brother  
 335 jurists, and thus overrule the motion for a new trial. Furthermore, errors that occurred at the trial  
 were not reviewable after judgment on Writ of Error, because not apparent on any one of the four  
 parts of the Common-Law Record. **To remedy this defect, Parliament enacted Chapter 31 of  
 the Statute of Westminster II in 1285/6 which provided for review of such errors through  
 the use of what came to be known as a Bill of Exceptions.**

340 "Thus, it appears that in four out of five retrospective motions, the court is permitted to consider  
 only defects apparent upon the face of part of the Common-Law Record—the process, the  
 pleadings, and the verdict—and errors occurring at the trial were regarded as extraneous and not  
 to be considered in rendering judgment upon the motions. Matters extraneous to or outside of the  
 record could be tested after verdict and before judgment only by a motion for a new trial. A  
 345 distinction is made between matter of record and matter of exception, matter of record referring  
 to those errors apparent upon the face of the Common-Law Record and hence reviewable after  
 final judgment upon a Writ of Error, and matter of exception referring to those errors which  
 occurred at the trial, and were not apparent on the face of the Common-Law Record, hence  
 reviewable after final judgment only by incorporating such errors into the record by means of a  
 350 **Bill of Exceptions, as authorized by Chapter 31 of the Statute of Westminster II in 1285."**  
**Koffler: Common Law Pleading 567-568**

Proceedings in courts of chancery are said not to be, strictly speaking, records; but they are so  
 considered. **Gresley, Ev. 101. And see 8 Mart. La. N. S. 303; 1 Rawle, Penn. 381; 8 Yorg.  
 Tenn. 142; 1 Pet. C. C. 352.**

355XI **MINUTE** - Minutes are not considered as any part of the record

MINUTE [Bouvier's Law Dictionary, 14th Ed.] In practice. A memorandum of what takes place  
 in court, made by authority of the court. From these minutes the record is afterwards made up.

Toullier says they are so called because the writing in which they were originally was small; that  
 the word is derived from the Latin *minuta (scriptura)*, in opposition to copies which were  
 360 delivered to the parties, and which were always written in a larger hand. **8 Toullier, n. 413.**

Minutes are not considered as any part of the record. [1 Ohio, 268. See 23 Pick. Mass. 184.; Bouvier's Law Dictionary, 14th Ed. (1870)]

MINUTE BOOK [Bouvier's Law Dictionary, 14th Ed. (1870)] A book kept by the clerk or prothonotary of a court, in which minutes of its proceedings are entered.

365XII **S**TATE - one body politic exercising, through the medium of an organized government

STATE [Black's Law Dictionary, Fourth Edition] - A People permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into  
370 international relations with other communities of the globe. [United States v. Kusche, D.C.Cal., 56 F.Supp. 201, 207, 208]. The organization of social life which exercises sovereign power in behalf of the people. [Delany v. Moraitis, C.C.A.Md., 136 F.2d 129, 130].

### XIII **C**ONSTITUTIONAL PREAMBLES

CONSTITUTION FOR THE UNITED STATES OF AMERICA: We the People of the United  
375 States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

STATE OF NEW YORK CONSTITUTION: We, the People of the State of New York, grateful  
380 to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

Both constitutions (and the constitution of any real republic) the operative word is "establish."  
The People existed in their own individual sovereignty before the constitution was enabled.  
When the People "establish" a constitution, there is nothing in the word "establish" that signifies  
385 that they have yielded any of their sovereignty to the agency they have created. To interpret otherwise would convert the republic into a democracy (**Republic vs. Democracy**).

To deprive the People of their sovereignty it is first necessary to get the People to agree to submit to the authority of the entity they have created. That is done by getting them to claim they are citizens of that entity (see **Const. for the U.S.A., XIV Amendment, for the definition of a**  
 390 **citizen of the United States.**)

14 C.J.S. 426, 430 - The particular meaning of the word "citizen" is frequently dependent on the context in which it is found [25], and the word must always be taken in the sense which best harmonizes with the subject matter in which it is used [26].

One may be considered a citizen for some purposes and not a citizen for other purposes, as, for  
 395 instance, for commercial purposes, and not for political purposes[27]. So, a person may be a citizen in the sense that as such he is entitled to the protection of his life, liberty, and property, even though he is not vested with the suffrage or other political rights[28].

[25] Cal.--Prowd v. Gore, 2 Dist. 207 P. 490. 57 C.A. 458.; La.--Lepenser v Griffin, 83 So. 839, 146 La. 584; N.Y.--Union Hotel Co. v. Hersee, 79 N.Y. 454

400 [27] U.S.--The Friendschaft, N.C., 16 U.S. 14, 3 Wheat. 14, 4 L.Ed. 322; --Murray v. The Charming Betsy, 6 U.S. 64, 2 Cranch 64, 2 L.Ed. 208; Md.--Risewick v. Davis, 19 Md. 82 Mass.--Judd v. Lawrence, 1 Cush 531; R.I.--Greeough v. Tiverton Police Com'rs, 74 A 785, 30 R.I. 212

[28] Mass.--Dillaway v. Burton, 153 N.E. 13, 256 Mass. 568

#### 405 **XIV STATE SOVEREIGNTY -VS- POPULAR SOVEREIGNTY**

A general discussion of two types of sovereignty, and the relative positions of each.

As independent sovereignty, it is State's province and duty to forbid interference by another state or foreign power with status of its own citizens. [**Roberts v Roberts (1947) 81 CA2d 871, 185 P2d 381. Black's Law Dictionary, 4th Ed., p 1300**]

410 A county is a person in a legal sense, [**Lancaster Co. v. Trimble, 34 Neb. 752, 52 N.W. 711; but a sovereign is not; In re Fox, 52 N.Y. 535, 11 Am.Rep. 751; U.S. v. Fox 94 U.S. 315, 24 L.Ed. 192 .... Black's Law Dictionary, 4th Ed., p 1300**]

A person is such, not because he is human, but because rights and duties are ascribed to him. The person is the legal subject or substance of which the rights and duties are attributes. An individual human being considered as having such attributes is what lawyers call a "natural person." [Pollock, *First Book of Jurispr.* 110. Gray, *Nature and Sources of Law*, ch. II. *Black's Law Dictionary*, 4th Edition, p 1300]

The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." [Jeffcott v. Donovan, C.C.A.Ariz., 135 F.2d 213, 214; and from "domicile," Wheeler v. Burgess, 263 Ky. 693, 93 S.W.2d 351, 354; First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C., 59 F.2d 35j0, 351]. The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware, [L.&W.R.Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557]; citizen inhabitant and resident often synonymous, [Jonesboro Trust Co. v. Nutt, 118 Ark. 368, 176 S.W. 322, 324; Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co., D.C.Md., 49 F.Supp. 807, 809]; and citizenship and domicile are often synonymous. [Messick v. Southern Pa. Bus Co., D.C.Pa., 59 F.Supp. 799, 800. *Black's Law Dictionary*, 4th Ed., p 310]

Domicile and citizen are synonymous in federal courts, [Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982]; inhabitant, resident and citizen are synonymous, [Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d 678, 683. *Black's Law Dictionary*, 4th Ed., p 311]

The Constitution emanated from the people and was not the act of sovereign and independent States. [1 McCulloch v. Maryland, 4 Wheat. 316 [1819]. See also Chisholm v. Georgia, 2 Dall. 419, 470 [1793]; Penhallow v. Doane, 3 Dall. 54, 93 [1795]; Martin v. Hunter, 1 Wheat. 304, 324 [1816]; Barron v. Baltimore, 7 Pet. 247 [1833].

The preamble contemplates the body of electors composing the states, the terms "people" and "citizens" being synonymous. Negroes, whether free or slaves, were not included in the term "people of the United States at that time. [Scott v. Sandford, 19 How 393, 404 [1857]].

The words "sovereign state" are cabalistic words, not understood by the disciple of liberty, who has been instructed in our constitutional schools. It is our appropriate phrase when applied to an absolute despotism. The idea of sovereign power in the government of a republic is incompatible

with the existence and foundation of civil liberty and the rights of property. [**Gaines v. Buford, 31 Ky. (1 Dana) 481, 501**].

**XV GOVERNMENT** - We the people are a Republic

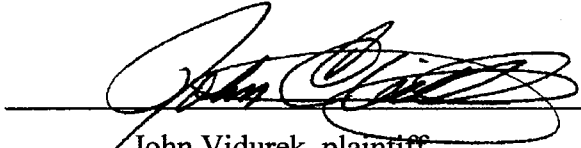
445 REPUBLICAN GOVERNMENT. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [**In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor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

450 DEMOCRACY GOVERNMENT. That form of government in which the sovereign power resides in and is exercised by the whole body of free citizens directly or indirectly through a system of representation, as distinguished from a monarchy, aristocracy, or oligarchy. [**Black's Law Dictionary, 5th Edition, p. 388; Bond v. U.S. SCOTUS**] recognizes personal sovereignty, June 16, 2011

455 All violators of the law of the case are subject to 18 USC §241 criminal action - conspiracy against rights, 18 USC §242 criminal action - deprivation of rights, 42 USC §1983 civil action - deprivation of rights, 42 USC §1985 civil action - conspiracy to interfere with rights, and 42 USC §1986 civil action - neglect to prevent;

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Dated: March 4, 2013

  
John Vidurek, plaintiff

FIRST	LAST	ADDRESS	TOWN	STATE	ZIP
Carl	Scheuering	12 Barnett Rd. West	Monroe	NY	10950
Joseph	Abbott	99 s. Washington St	Binghamton	NY	13903
David	Abel	128WoodDale Dr	Ballston Lake	NY	12019
Willard	Adams	6578 Fremont Rd	E. Syr	NY	13057
Bradley	Adams	8283 Peaches Road	Bergen	NY	14416
William	Ahlbach	1874 Rt 83	Pine Plains	NY	12567
Katherine	Ains	74 Castle High Road	Middletown	NY	10940
William	Akin	1708 County 21	Valatie	NY	12184
Mark	Aldrich	16 Cheryl St	Chestnut Ridge	NY	10977
Kevin	Allan	2419 GarnetLake Dr	Johnsburg	NY	12843
Natalie	Allegato	342 Hubbs Avenue	Hauppauge	NY	11788
John	Allegato	342 Hubbs Avenue	Hauppauge	NY	11788
Chad	Alsworth	44 Crowner Ave	Wellsville	NY	14895
Scott	Alsworth	PO Box 4	Allentown(PA)	NY	14707
James	Alverson Jr.	323 RT 405	Greenville	NY	12083
Edwin	Alvord	1162 Broadway	Darien	NY	14040
Richard	Amodeo	14 Ladue Rd	Hopewell Junction	NY	12533
Joseph	Annese	Kings Rd	Catskill	NY	12414
Michael	Arden	99 Meade Ave	Bethpage	NY	11714
Christopher	Arms	468 Oneida River Rd	Pennelville	NY	13132
Christine	Arms	468 Oneida River Rd	Pennelville	NY	13132
Leslie	Armstrong	936 Hervey Sunside Rd	Cornwallville	NY	12418
Joanne	Astalfa	6039 Morris Road	Marcy	NY	13403
Joseph	Atkinson III	112 Bradley Court	Horseheads	NY	14845
Robert	Austin	7 CortHELL St	Albany	NY	12205
Theodore	Axford	108 Gallup Ln PO Box 599	Wells	NY	12190
Ed	Bailey	245 Main Street	New York Mills	NY	13417
Ward	Baker	7253 S. Boualarte	Harrisville	NY	13648
John	Baker	Carmen Road	Middleport	NY	14105
Adam	Balcon	6425 Ridge Road	Lockport	NY	14094
Joshua	Ballard	11 McGovern Lane	Catskill	NY	12414
Michael	Banks	3141 N.Thompson St	Schenectady	NY	120306
Donna	Baraw	1270 Italy Valley Rd	Naples	NY	14512
Richard	Barbera	42 Aeborah Rd	Syorset	NY	11791
Thomas	Barrett	292 Cty Hghy 48	Otego	NY	13825
Robert	Barriger	41 Stinson Road	Franklin	NY	13839
Gary	Barton	115 Coons Road	Middleburgh	NY	12122
Vito	Basik	162 16th Street	Buffalo	NY	14213
Angelo	Baslo	162-16th Street	Buffalo	NY	14213
Eric	Beattie	60 Main St	Dundee	NY	14837
Chris	Beahler	407 Flats Rd Ext	Catskill	NY	12414

Christopher	Budd	1639 Broadway #3	Schenectady	NY	12306
Larry	Budd	433 Potomac Avenue	Buffalo	NY	14213
Michael	Buechele	18 South Smith Rd	LaGrangeville	NY	12540
Ernest	Buel	362 Tan Hollow Rd	Westerlo	NY	12193
Michael	Buenan	228 Delaware Av	Delmar	NY	12054
Walter	Buhner	153 Beach Road	Wading River	NY	11792



Faith	Benoit	9 Oakwood Ave	Rye	NY	10580
Robert	Benton	273 Morgan Hill	Hurley	NY	12443
Adam	Benton	136 River Road 421	New Paltz	NY	12561
Laura	Benton	273 Morgan Hill Road	Hurley	NY	12443
Robert	Bentos	273 Morgan Hill	Hurley	NY	12443
Leonard	Beretz	4124Schoarie Tpk	Delason	NY	12053
Jason	Berghela	28 Clayton Pl	Albany	NY	12209
Brian	Bertha	32 Shot Rd	Millbrook	NY	12545
Ronald	Bessette	2369 Route 9D	Wappingers	NY	12537
Henry	Betz	860 Elm St	West Seneca	NY	14224
Scott	Bey Jr	7 Jeffrey Dr	Tillson	NY	12486
Ken	Blass	357 Pitts Rd	Old Chattam	NY	12136
Christopher	Blatz	4 Russ Place	Wappingers Falls	NY	12590
Judith	Blessinger-Neary	134 Nevis Rd	Clermont	NY	12583
Edward	Bloomer	529 Route 49	Coxsackie	NY	12051
Thomas	Bohan	6 Dewe Dr	Averill Park	NY	12018
Lynette	Boliver	8670 Erie Canal Rd	Croghan	NY	13327
Michael	Bonadies	18 Academy St	Oneonta	NY	13820
John	Bonbrow	2838 Rales #4	East Durham	NY	12423
John	Bonis	107 Depew Street	Rochester	NY	14611
David	Bonis	107 Depew Street	Rochester	NY	14611
Joe	Boria	2 Bogardus	Catskill	NY	12414
Brian	Borton	17 Glendale Ave	Albany	NY	12208
George	Bosco Jr	7423 Rt 91	Tule	NY	13159
Maye	Bouzas	128 Irvine Ave	Deer Park	NY	11729
David	Bowdish	155 Barber Rd	Medusa	NY	11215
Kenneth	Bowman	8 Bass Ct	Huntington	NY	11743
Don	Bracken	40 Barber Ave 1j	White Plains	NY	10601
David	Bradshaw	4 Tower Avenue	Schenectady	NY	12304
Antoinette	Brady	46 West Street	Mechanicville	NY	12118
Richard	Brannan	813 Mansion Avenue	Ogdensburg	NY	13669
Shelly	Broughton	1839 Spruce Lane	Castleton on Hudson	NY	12033
Barney	Brower	PO Box 778	Mayfield	NY	12117
James	Brown	2990 Amsterdam Road	Scotia	NY	12302
Durin	Brundege	1570 Depot Rd	Duunsburg	NY	12056
Sue	Bryouf	3921 Hill Road	Wheatfield	NY	14120

Timothy	Bunch	2767 Lucas Trpk	Accord	NY	12404
Michael	Burke	34 Patran Place	Loudonville	NY	12211
James	Burkhardt	5748 Burnum Rd	Akron	NY	14001
Josh	Burkhardt	5748 Burnum Rd	Akron	NY	14001
Kasey	Buscemi	689 Lexington Avenue	Rochester	NY	14613
James	Buscemi	46 Kuebler Dr	Rochester	NY	14624
Jeff	Bush	4979 Colton Road	Silver Springs	NY	14550
James	Cameron	9 Eltona Pl	E. Northport	NY	11731
Ronald	Campano	11 Campano Way	W. Sand Lake	NY	12196
Joseph	Caputo	36 Okatree Lane	Earlton	NY	12058
Garrett	Carberry	119 Owasco Street	Auburn	NY	13021
Gregory	Cardinale	532 Christiana Street	North Tonawanda	NY	14120
Santo	Cardinale	30 Timberlink Drive	Grand Island	NY	14072
Linda	Carlew	5873 Lake Rd	Galway	NY	12074
John	Carlsen	8005 Chelsea Cove	Hopewell Junction	NY	12533
John	Carminucci	989 Broadway	Thornwood	NY	10594
Chan	Carn	2990 Amsterdam Road	Scotia	NY	12302
Rob	Carpenter	40 Cass Street	Westfield	NY	14787
Melanie	Castaldo	6352 Rt 32	Cairo	NY	12413
Donald	Castaldo Jr.	6352 Rt 32	Cairo	NY	12413
Dan	Casucci	PO Box 64	Verbank	NY	12585
Daniel	Cea	636 Big Pond Road	Huguenot	NY	12746
Matthew	Cerefin	1718 Saltvale Road	Wyoming	NY	14591
Greg	Chamberlain	2953 Stony Pt	Grand Island	NY	14072
Jim	Chamberlain	1236 Staley	Grand Island	NY	14072
Tom	Chandler	259 Rt 146	Altamont	NY	12002
Sheila	Charmak	1 Gates Place	Teppan	NY	10983
Nicholas	Chen	17 Cresthill Dr	Nyack	NY	10960
Richard	Christensen	169 Commons Rd	Germantown	NY	12526
Andrea	Christensen	460 CR-19	Hudson	NY	12534
Carrie	Christman	136 Greystone Lane A6	Rochester	NY	14618
Philip	Cimino	3 Eddy Dr	Huntington Sta.	NY	11746
Dennis	Cinclini	645 Vernal Butler Rd	Cairo	NY	12413
Rae	Cinclini	645 Vernal Butler Rd	Cairo	NY	12413
Christopher	Ciraulo	564 Old State Rd East	Wappingers Falls	NY	12590
Michael	Clark	127 Oakwood Ave	Elmira Heights	NY	14903
Ron	Clark	61 N. Main	Jordan	NY	13080
Duane	Clinton	13 Ave G	Mechanicsville	NY	12118
Christopher	Coccia	10 Matthew Circle	Horsehead	NY	14845
Bill	Cole	PO Box 341	Horseheads	NY	14845
Rand	Colton	1285 Rt. 34B	King Ferry	NY	13081
Grace	Colucci	6 Cherokee Lane	Commack	NY	11725
Patrick	Conner	224 Heritase Rd	Tonawando	NY	14150

Patrick	Conway	347 Sodom Road	Hannacroix	NY	12087
Eugene	Cook	1096 Hornby	Beaver Dam	NY	14813
Gary	Cooper	3567 Hwy Rt 20	Sloansville	NY	12160
Carmen	Corazzin	32 Orlando ?	Albany	NY	12203
Patricia	Costello	180 Beech St.	Floral Park	NY	11001
Donna	Cote	104 Dekay Road	Warwick	NY	10990
Alfred	Cozine	24 Oxford Ave	Melville	NY	11747
Wayne	Crerend	2352 Cedar Avenue	Ronkonkoma	NY	11779
Eric	Cross	3594 Salisbury Avenue	Blasdell	NY	14219
James	Curtin	819 Fox Farm Road	Sidnex Center	NY	13839
Maria	D'Alessandro	164 N. Richmond Ave	Massapequa	NY	11758
Frank	Daley	1 Jordan Ave	Ulster Park	NY	12481
Pat	Daley	520 County Rt 64	Elmira	NY	14903
Edward	Dalyswint	25 Sitlery Road	Cliffton	NY	12065
Darin	Damphier	PO Box 426	Wells	NY	12190
jim	Daniels	21162 Cramer Road	Copenhagen	NY	13626
Tom	Daniels	1104 Rutger Street	Utica	NY	13501
Erik	Darus	30 Thorney Ave	Huntington	NY	11746
Daniela	Davern Sr.	P.O. Box 102	Westkill	NY	12492
Robert	Davidson	Po Box 545	Pawling	NY	12564
Brian	Davis	60 Phillips Rd	Rensselaer	NY	12144
Dale	DeBacco	2452 LaSalle Avenue	Niagara Falls	NY	14301
Thomas	DeBrita	106 Twin Bridges Road	Oxford	NY	13830
George	DeCresce	423 Saratoga Road	Glenville	NY	12303
Anthony	DeGrechic	Alden Avenue	Warrowsburg	NY	12885
Michael	DeJames	174 Cantwell Drive	Buffalo	NY	14220
Enngue	DeJesus	1941 Amsterdam Avenue	Rotterdam	NY	12303
Jeremy	DeJimoir	1 Van Wyck Ct	Hopewell Junction	NY	12533
Noreene	DeLany	103 Maplecrest Rd	Hensonville	NY	12439
Jerry	Deloney	306 Petion Road	Ogdensburg	NY	13669
Craig	Delong	25 Bowery Creek Rd Apt 1	Acra	NY	12405
Craig M.	Delong	103 Maplecrest Rd	Hensonville	NY	12439
Bradford	Delp	157 Howard Hill Rd	Catskill	NY	12414
Joseph	DeLuca	23 Oregon Drive	Huntington	NY	11746
Tedd	Denman	PO Box 104	Mt. Tremper	NY	12457
Michael	Dennis	9 Myers Ct	Albany	NY	12205
Angela	Desmond	608 Mt. Airy Rd	New Windsor	NY	12553
Nicholas	Dillon	PO Box 41	Larchmont	NY	14857
Tim	Dillon	2072 Casky Brace Rd	Dundee	NY	14837
Robert	Dingee	519 Flats Rd	Athens	NY	12025
Kyle	Dingee	519 Flats Rd	Athens	NY	12025
Lois	Disard	1068 Cty Rt 22	Ghent	NY	12075
John	Dixon	4 Perkinsville Rd	Lloyd	NY	12528

John	Dominick	41 Pleasant Lane	Poughkeepsie	NY	12603
Brian	Donnelly	33 Parkdale Drive	Lancaster	NY	14086
Patrick	Doody	PO Box 725	Stillwater	NY	12170
Robert	Dosh	6607 Ivision Road	Byron	NY	14422
Tim	Downey	520 Farragaut Pkway	Hasting-on Hudson	NY	10206
Jonathan	Downing	1235 Baker Ave	Schenectady	NY	12309
John	Doyle	PO Box 283	Wyoming	NY	14591
Frank	Drewello	1002 Flint Mine Rd	Coxsackie	NY	12051
Jose	Drtiz	9 Diane Pl	Port Jervis	NY	12771
Boleslaus	Dubiel	125 Bennio Drive	Solvay	NY	13209
Will	Duffield	1 Mead Way	Bronxville	NY	19421
Carrie	Dugo	6004 Main Street	Tannersville	NY	12485
Loretta	Dunn	2200 Van Nostrand Ave	N. Merrick	NY	11566
Ralph	Duperon	122 Webster Ave	Yonkers	NY	10701
Paul	Ehrmentraut	6810 E.Bethany	Stafford	NY	14143
K. Brian	Elbuz	15 Hudson View Terrace	Yonkers	NY	10701
Gisele	Elek	PO Box 418	Harriman	NY	10926
William	Ellert	55 Greencrest Rd	Goshen	NY	10924
Hesham	El-Meligy	80 Richmond Hill Rd 5D	Staten Island	NY	10314
Brandon	England	617 Cooper Street	Utica	NY	13502
Michael	England	617 Cooper Street	Utica	NY	13502
Bradley	Evert	16 Evelyn Ct	Grand Island	NY	14072
Lloyd	Evert	PO Box 85	Hagamen	NY	12086
Zane	Every	695 Waterbury Hill Road	LaGrangeville	NY	12540
Richard	Failing	224 Guinevere Drive	Rochester	NY	14626
Richard	Fallicce	363 Bernice Drive	Bayport	NY	11705
Anthony	Farina	2730 Myrtle Ave	Schenectady	NY	12306
Michael	Farrell	21 Wilcurt Street	Plattsburg	NY	12901
Charles	Fazio	3278 Harold Street	Oceanside	NY	11572
Ryan	Feeley	86 Oakmont Ave	Selden	NY	11782
Wilford	Feltz	11100 Ketchum Rd	N. Collins	NY	14111
Joseph	Ferraro Jr	88 North St	Catskill	NY	12414
James	Ferron	4716 Klein Rd	Fillmore	NY	14735
Margaret	Ferrow	4716 Klein Rd	Fillmore	NY	14735
Russ	Fidler	3024 Shaw Rd	Middle Grove	NY	12850
Michael	Fil Jr	1590 Spring Ave	Wynantskill	NY	12198
William	Finch	129 Sergeant St	Johnson City	NY	13790
Timmy	Finn	13 Lester Drive	Orangeberg	NY	10962
Brian	Fitzgerald	722 Columbia Tpk	E.Greenbush	NY	12061
Doris	Fleischer	3 Eddy Dr	Huntington Sta.	NY	11746
Robert	Fogg	20 Fountain Pl	Poughkeepsie	NY	12603
Joseph F	Fonda	453 Logtown Rd	Gleb	NY	12072
Glen	Fonda	453 Logtown Rd	Gleb	NY	12072

Thomas	Ford	11 Hemstreet Ave	Mechanicville	NY	12118
Adam	Fortier	21 Pine St	Tupperlake	NY	12980
Larry	Fowler	1192 South Gilboa Road	Gilboa	NY	12076
Ronald	Fox	370 Voak Road	Penn Van	NY	14527
James	Frangella	8 Endicott Dr	Huntington	NY	11747
Charles	Frend	880 Albany Tpk	OldChatam	NY	12136
Christopher	Frenza	156 Krum Rd	Kerhonkson	NY	12446
Robert	Fritze	34 Tanglewood Lane	Leeds	NY	12451
John	Fudge	16 Jay Rd	Centereach	NY	11720
Michael	Fussell	185 Center Street	Lockport	NY	14094
Anthony	Futia	34 Custis Ave	White Plains	NY	10603
Joe	Gallagher	18 Division St	Hunter	NY	12442
Nancy	Gamby	3 John Place	Commack	NY	11725
Carol	Ganson	161 Sunnyside Road	Kinderhook	NY	12106
Hector	Garced	32 Cummings Ave	WP	NY	10604
Gary	Gardner	4715 Wethersfeild Rd	Warsaw	NY	14569
Janet	Gardon	418 Carol Place	Pelham	NY	10803
Frederick	Garr	9838 North Otto Road	Cattaraugus	NY	14719
Linda	Garr	9838 North Otto Road	Cattaraugus	NY	14719
Thomas	Garrick	174 Cty Rt 11	Pine Plains	NY	12567
Patrick	Garrison	P.O. Box 276	Hensonville	NY	12439
Robert	Gawel	2777 Atlantic Avenue	Hudson	NY	12534
William	Gaygan	144 Legion Drive	Valhalla	NY	10595
Rudolph	Geiger	256 Adams Rd	Athens	NY	12015
Elizabeth	Gelbord	7591 State Rte 23	East Windham	NY	12439
William	Genther	32 Shoker Dr	Loudonville	NY	12211
Patrick	Gibbs	433 RockStreamRd	Rock Sream	NY	14878
Gary	Gibbs	481 Lawson Rd	Dundee	NY	14857
Cathy	Gierbolini	101 6th Ave	Huntington Sta.	NY	11746
Augustina	Gierbolini	101 6th Ave	Huntington Sta.	NY	11746
Joseph	Gilbert	3589 County Rd 16	Canandaigua	NY	14424
Dennis	Gilhooly	220 Germany Road	Stanfordville	NY	12581
Leonard	Giustine Jr.	726 Huntington Drive	Fishkill	NY	12524
Peter	Glaubitiz	5998 Stone Road	Lockport	NY	14094
William	Glendenning	251 North Pleasant Parkway	Buffalo	NY	14206
William	Goonan	4770 Black Oak Drive	Liverpool	NY	13088
T.Michael	Goss	107774 Rt 9W	Coxsackie	NY	12051
Jeffery	Goul	2279 Preisman Dr	Niskayun	NY	12309
Richard	Graham	1879 County Rte 10	Ancram	NY	12502
Donna	Greco	PO Box 523	LakeKatrine	NY	12449
Ronald	Greco	966 Schoharie Tpk	Catskill	NY	12414
David	Greene	45 Spruce Ave	Roch	NY	14611
Nick	Grgas	43 Lowland Road	Levittown	NY	11756

Michael	Gries	36 Cara Drv	Nanuet	NY	10954
Barbara	Gries	36 Cara Drv	Nanuet	NY	10954
Kelly	Grimaldi	11 Valente Dr	Wynantskill	NY	12198
Thomas	Grinnell Jr.	2547 Oswego Road	Blossvale	NY	13308
Thomas	Gron Liu	228 Columbus Ave	N. Harrison	NY	18609
Martin	Groppi	75 Church St	Athens	NY	12015
Dr. Geniene	Guglielmo	15 Schuylkill Ct	Cormel	NY	10512
William J.	Guichard	639 New York Ave	Huntington	NY	11743
William Paul	Guichard	51 Old E Neck Rd	Melville	NY	11747
Virginia	Guichard	9 Rainer Street	Melville	NY	11747
Dave	Guichard	66 Grainsborough Rd	Holbrook	NY	11741
Virginia	Guichark	9 Rainer St	Melville	NY	11747
James	Guida	601 Pleasant View Drive	Lancaster	NY	14086
Joseph	Gullo III	5497 E. Main Road	Brocton	NY	14716
Michael	Hackford	5155 Bank St	Clerence	NY	14031
Thomas	Hahn	6579 Wicks Rd	Lockport	NY	14094
Horace	Haines	585 Taylor Hill Rd	Granville	NY	12832
Amber	Hall	136 River Road	New Paltz	NY	12561
Morgan	Hallock	5308 Cauterskill Rd	Catskill	NY	12414
Curt	Hamann	912 W. Church Street	Elmira	NY	14905
Robert	Hamilton	112 W. Mendeus	Rochester	NY	14616
Bruce	Hansen	198 Eagle Rd	HoosickFalls	NY	12096
Dave	Hansen	197 Ramapo Road #E	Garnerville	NY	10923
James	Harper	PO Box 113	Esperance	NY	12066
Kevin	Harrington	2 Dalewood Pl.	Melville	NY	11747
Mark	Harrison	1083 Conklin Rd	Conklin	NY	13748
John	Hart	1575 Lucas Ave	Cotterkill	NY	12419
Danny	Hawes	211 County Hwy 18C	West Ed.	NY	13485
Rebecca	Hawkes	8458 W. Somerset Rd.	Barker	NY	14012
Robert	Heinz	2 Morrison Rd	Schenectady	NY	12405
P.	Heitmann	17 Satith Street	Red Hook	NY	12571
John	Held	8650 Heldon Rd	W. Valley	NY	14171
Travis	Helmer	S. West Railroad Street	Castile	NY	14427
Randy	Helner	60 East Mill Street	Castile	NY	14427
Greg	Henneborn	142 Beverly Rd	Huntington Sta.	NY	11746
Christopher	Henson	138 Hollister Rd	Corinth	NY	12822
Van E	Herbert	32 Palmer Trl	Gawsevroot	NY	12831
Tim	Hewitt	9 Euclid Ave	Delaware	NY	12054
Gerard	Hicko	1 Elm Ct	Poughkeepsie	NY	12603
Michael	Higgins	47 Trouville Rd	Copiague	NY	11726
Kathy	Higgins	47 Trouville Rd	Copiague	NY	11726
Edward	Hillenbrand	112 Depot St	Richmondhill	NY	12149
Neela	Hindertfend	745 E. Maine Rd	Johnson City	NY	13790

Merle	Hindertfind	745 E. Main Rd	Johnson City	NY	13790
Daryn	Hoad	25 North Street	Warsaw	NY	14569
Richard	Hoad Jr	25 North Street	Warsaw	NY	14569
Richard	Hoad Sr	49 Chapel Street Box 303	Prattsburg	NY	14873
Michael	Hoehl	190-16 Merrick Rd	Amityville	NY	11791
Richard	Hoellig	12 Cols Drive	Buffalo	NY	14227
Joshua	Holden	16 North Street Apt 2	Binghamton	NY	13905
David	Holden	1121 Castle Creek Road	Castle Creek	NY	13744
Don	Holton	803 Cedar St	Elmira	NY	14904
Nicholas	Holtz	147 Meadowlawn Road	Cheektowaga	NY	14225
Irene	Honan	442 West Chester Street	Long Beach	NY	11561
Chris	Hopkins	26 Lorwood Dr	Glenville	NY	12302
Harold	Hopkins	2953 Dunham Road	Varysburg	NY	14167
Phyllis	Hornung	43 Amherst Dr	North Massapequa	NY	11758
Steven	Houghtaling	9255 State Route 365	Holland Patent	NY	13354
Daniel	Houlihan	1068 Creek Rd	Esperance	NY	12066
Sharon	Hughes	1532 Kelly Conner Rd	Oneonta	NY	13820
Kathleen	Hurley	15 Harding Ave	Valhalla	NY	10595
Tom	Hutchinson	243 OldStateRd	Johnston	NY	12095
Gary	Ibrue	Ion 10	Suffern	NY	10901
John	Imbesi	6316 Rte 32	Cairo	NY	12413
Joseph	Imbrogno	23 Ogden Place	Dobbs Ferry	NY	10522
Alex	Izagur?	40 Barber Ave 2j	White Plains	NY	10601
Brian	Jambor	175 Peoples Rd	Saugerties	NY	12457
Michael	Jambor	PO Box 233	Bloomington	NY	12411
William	James	63 Windermere Blvd	Amherst	NY	14226
Paul	Jameson	74 Lamb Ave	Saugerties	NY	12477
Leonard	Janiga	11121 Jamison Rd	East Aurora	NY	14952
John	Janitz	332 Gilbert LakeRd	Mt. Vision	NY	13810
Pete	Janzynka	PO Box 187	Haines Falls	NY	12436
Jason	Jaycox	5308 Cauterskill Rd	Catskill	NY	12414
Mark	Jiocitaru	226 84th Street	Niagara Falls	NY	14304
Laurie	Jircitano	226 84th Street	Niagara Falls	NY	14304
Marc	Jonhson	125 E Pearl ?	Wellsville	NY	1495?
Michael	Joyce	27 Brookside Circle	Elmira	NY	14903
Daniel	Joyce	595 Vernal Butler Road	Cairo	NY	12413
John	Juran	PO Box 75	Java	NY	14083
Catherine	Kahle	1102 County Route 6	Germantown	NY	12326
Robert	Kalakewich III	4251 St Rte 226	Dundee	NY	14837
Theodore	Kanath Jr.	14 Brookfield Farm Lane	Valatie	NY	12184
Robert	Kane	169 Williams Rd	Sherburne	NY	13460
Frank	Kappel	27 Applemeadow Rd Apt E5	Hudson	NY	12534
William	Karlau	222 Frisbie Valley Rd	Schoharie	NY	12137



James	Karn	150 W. Kidden Rd	Lancaster	NY	14086
Howard	Kastel	19 Pierre Dr	Commock	NY	11725
Tai	Kaufman	27 Weis Rd	Alabany	NY	12208
Dan	Kearney		Pem Broke	NY	14036
Michael	Kearney	173 Ring Road	Salt Point	NY	12578
James	Kehoe	157 Countryside	Grand Island	NY	14072
James	Kehor	157 Countryside	Grand Island	NY	14072
Thomas	Kelly	6007 Depot Rd	Altamont	NY	12009
Nancy	Kelly	50 Lester Street	Buffalo	NY	14210
Wayne	Kemptau	61 Maple Avenue	Hastings on Hudson	NY	10706
Brian	Kennedy	793 County Rt 2	Accord	NY	12404
Sharon	Kennedy	4019 Hill Road	N. Tona	NY	14120
Paul	Kennedy	4019 Hill Rd	N. Tun	NY	14120
D.M.	Kenneth	Sunnyside	Kinderhook	NY	12106
Delbert	Kent	915 Chamber Rd	BeaverDam	NY	14813
Brian	Keating	21 Cobb Ave	White Plains	NY	10606
Joseph	Kessler	1638 Ivy Court	N. Baldwin	NY	11510
Kevin	Kicik	244 Hyland	Depew	NY	14043
Mary	Kilcer	172 Sunnyside Rd	Kinderhook	NY	12106
Donald	Kingsley	1110 Eastern Ave	Charlton	NY	12019
Amelia	Kinzie	1783 Sky High Rd	LaFayette	NY	13084
Stephen	Kirwan	33 Oak St	Cairo	NY	12413
William	Knaust	305 Hinoienien Hts	Coxsackie	NY	12051
Chris	Kneut	6711 Minnick Rd	Lockport	NY	14094
Paul	Koksvik	PO Box 1887	Newburgh	NY	12550
Steven	Kolp	Steam Mile Rd	Odessa	NY	14869
Raymond	Kosovek	172 Gifford Rd	Greenville	NY	12803
Patrick	Kosovek	172 Gifford Rd	Greenville	NY	12083
Richard	Koster	175 Gifford Rd	Greenville	NY	12083
Andrew	Kral Sr.	417-44 St	Lindenhurst	NY	11757
Ryan	Kraus	167 Botti Dr	Hunter	NY	12442
Marcus	Kravitz	19 New hampshire Ave	Rensselaer	NY	12144
Andrew	Kupersmith	109 Pengilly Dr	New Rochelle	NY	10804
Mark	Kurtis	36 State Park Avenue	Salamanca	NY	14779
Kristen	Kwiatkowski	1123 Cutler St	Schenectady	NY	12303
Eric	Kwiatkowski	123 Cutler St	Schenectady	NY	12303
Florence	Kwiatkowski	1121 Cutler St	Schenectody	NY	12307
Kevin	LaBrake	58 Andrea Ct	Clifton Park	NY	12065
Pat	Ladasnick	2156 Mulholland Rd	Painted Post	NY	14870
Christopher	Lasher	88 Evelyn Ave	Amsterdam	NY	12010
Michael	Lavis	143 Arthur Ave	Blasdell	NY	14219
Hugh	Lawless	88 South Hamilton	Poughkeepsie	NY	12601
Thomas	Lawlor	30 Wiggins Ave	Patchogue	NY	11772



Joan	Lawlor	30 Wiggins Ave	Patchogue	NY	11772
Donna	Lawrence	188 Henderson Avenue Right	Tonawanda	NY	14217
John	Layton Jr	217 66 Rd	Martville	NY	13111
Michael	Leberatore	30 Highland View Dr	Bayville	NY	11709
Robert	Leight	75 Sterling Ave	W.P.	NY	10606
Horne	LeMieux	398 Factory	Strykersville	NY	14145
Joshep	Lentini	34 Barber St	Auburn	NY	13021
Adam	Lentini	129 E. Cresent Av	Auburn	NY	13021
Joseph	Lentini	34 Barber St	Auburn	NY	13021
Walter	Lerediuk	790 A Poeluck Rd	Bliss	NY	14024
Patrick	LeRocco	1 Glenwood Drv	Latham	NY	12110
Gary	Lestage	200 Humphrey Rd	Duaneburg	NY	12056
Catherine	Leveo	1E Green Street	Johnstown	NY	12091
Clifford	Lewis Jr.	90 River Road	Johnsonville	NY	12094
Michelle	Lipe	215 Scandaga Rd Apt. 110	Scotia	NY	12302
James	Lipe	215 Scandaga Rd Apt. 110	Scotia	NY	12302
Linda	Litoi	145 Gordon Ave	W. Babylon	NY	11704
Brent	Lochhead	12 Sunset Creek Drive	West Seneca	NY	14224
Frederic	Lohrey	3971 Day Road	Lockport	NY	14094
Michael	Lonneville	8526 Rt 243	Rushford	NY	14777
Thomas	Lorey	19 York St	Gloversville	NY	12078
Christopher	Louth	2651 Limerick Rd	Piffard	NY	14533
Steve	Lucas	4 Hearthstone Drive	Wappingers Falls	NY	12590
Dallas	Lucore	10630 Rushford Rd	Centerville	NY	14029
Terry	Luzier	6866 Finn Road	Portageville	NY	14536
John	Lyons	PO Box 707	Newburgh	NY	13411
Jeff	Magee	60 Barnfield Rd	Pittsford	NY	14534
Les	Maher	752 Logtown Rd	Glen	NY	12072
Thomas	Maher	30 Royal Rd	Stuyvesant	NY	12173
Page	Makowski	20 N. Clinton Street	Albion	NY	14411
Dana	Mallaber	149 Avondale Road	Rochester	NY	14622
Joseph	Maloney	661 Irene Street	So Hempstead	NY	11550
Paul	Manda	340 Valley Road	Scotia	NY	12302
Mary	Mangini	31 Hunter Lake Drive	Parksville	NY	12768
Michael	Mangini	31 Hunter Lake Drive	Parksville	NY	12768
Bill	Manion	124 Montcalm Street	Lake George	NY	12844
Vito	Maniscallo	5 Monroe Place	Portchester	NY	10573
Charles	Manney	710 Parkhurst Blvd	Buffalo	NY	14223
Elaine	Manning	280 Atlantic Ave	E. Rockaway	NY	11518
Daniel	Manolas	3 Commons Ln#13	Poughkeepsie	NY	12601
Frank	Marando	200 Lake Road East	Hamlin	NY	14464
Emanuele	Marinaro	850 Rt 850	Wappingers Falls	NY	12590
Stephen	Marketos	16 Second Av	Auburn	NY	13021

Larry	Marsiello	318 Grandview Blvd	Yonkers	NY	10710
William	Martin	PO Box 182	Windham	NY	12496
Michael	Martinez	28 ??? Ct	Wynanskill	NY	12198
Peter	Masti	10 Stott Drive	Ravena	NY	12143
Marc	Mastrobuono	71 S. Main St 1Fl	Castleton on Hudson	NY	12033
James	Mathiasen	8 Conner Road	Wappingers Falls	NY	12590
Paul	Maurer	3323 Schohanie Tpk	Earlton	NY	12058
Jim	Mazuolek	285 Summerfield Drive	Lancaster	NY	14086
Bill	McCarthy	101 Grant St	Tillson	NY	12486
Durham	McCauley	6 Mourning Dove CT	Orchard Park	NY	14127
Lynn	McCutcheon	PO BOX 198	Horford	NY	13707
Michael	McCutcher	35 N. Church St	Cortland	NY	13045
Judy	McDermott	109 Foggintown Road	Brewster	NY	10509
Mike	McDermott	27 Lancaster Pl	Huntington	NY	11746
Gracie	McDermott	27 Lancaster Pl	Huntington	NY	11746
Sean	McDermott	8737 S Main	Poland	NY	13431
Brendon	McGrath	2 Birch Drive	Huntington Sta.	NY	11746
James	McIndoe	3242 Leeward Circle	Walworth	NY	14568
Frank	McKee	54 A Division St	Catskill	NY	12414
William	McMinn	36 Kent Lake Avenue	Carmel	NY	10512
Michael	McMorrow	617 LeMorno Aus	Syracuse	NY	13208
Richard	McNamara	2807 State Route 8	Leonardsville	NY	13364
John	McNerney	248 North Rd	Greenville	NY	12083
Emmett	Menass	9 Throop Ave	Auburn	NY	13021
Martin	Mensah	530 Morris St	Albany	NY	12208
Angela	Merluzzo	PO Box 286	Schaghticoke	NY	12154
John	Messing Jr.	63 Howard St	Hastings	NY	13076
Theresa	Messing Jr.	63 Howard St	Hastings	NY	13076
Richard	Meyer	71 Binman Ave	Rye Brook	NY	10073
James	Meyer	28 Clerk Heights	Pleasant Valley	NY	12569
Sturart	Miller	35 Mt Airy Rd	Saugerties	NY	12477
Daniel	Mines III	407 16th Street Apartment 2	Watervilet	NY	12189
George	Minor	277 Shumway Hill Road	Guilford	NY	13780
Mark	Misuraca Jr	126 Riverside Ave	Coxsackie	NY	12051
Michael	Molisano	7 Greenway N.	Queensbury	NY	12804
Timothy	Monast	68 White Rd	Ballston Spa	NY	12020
Joseph	Mone	9 Keystone Commons	Ballston Lake	NY	12019
April	Mongelli	26 Chaunecy Pl	Woodbury	NY	11797
David	Mongiolo	5099 Day Road	Lockport	NY	14094
Joe	Monheim	65 Duerstein Street	Buffalo	NY	14210
Frank	Monti	33 Lindsey Street	Yonkers	NY	10704
Robert	Moore	248 Fox Creek Rd	Medusa	NY	12120
Carmela	Morales	437 Fourth Ave	Pelham	NY	10803

Frank	Morganthaler	157 Elwood Av	Hawthorne	NY	10532
David	Mosher	3056 Mills Rd	Morton Falls	NY	14865
Daniel	Mosher	3027 Lillian Road	Schenectady	NY	12303
Timothy	Mullin	16175 Lawton Hill Rd	Rodman	NY	13682
Elizabeth	Mullin	16175 Lawton Hill Rd	Rodman	NY	13682
Jon	Muntz	16 Bends Road	Dunkirk	NY	14048
John	Murphy	9 Monterey	Yonkers	NY	10710
Robert	Myles	4926 Secor Rd	Romulus	NY	14541
A	N	3811 Ditmans Blvd #279	Astoaza	NY	11105
Michael	Nardo	2086 Paddock Rd	Sedford	NY	11783
Carmen	Natalie	167 Fares Rd	Ravena	NY	12143
Ronald	Neaving	5224 Lake Road	Williamson	NY	14589
Fred	Neumann	321 County Rt 27	Bainbridge	NY	13733
David	Neumeister	19 Camille Rd	Ravena	NY	12143
Andrew	Nevros	P.O. Box 175	Woodbury	NY	11797
Louis	Newbury	26 John St	Coeymans	NY	12045
Lorraine	Newes	277 Shumway Hill Road	Guilford	NY	13780
Courtland	Newton	16 Broadway	Valhalla	NY	10595
Linda	Newton	16 Broadway Apt 4	Valhalla	NY	10595
Randy	Nicholson	87 Clothier Rd	Corinth	NY	12822
Richard	Nolan	7396 Oak Post Road	Liverpool	NY	13088
Stan	Noose	74 Junipher Street	Lockport	NY	14094
Patrick	Noose	510 Molony Road	Poughkeepsie	NY	12603
Paul	Novak	64 Central Ave	Lynbrook	NY	11563
Peggy	Novine	2578 Rt 9H	Kinderhook	NY	12106
Greg	Nowark	3 Emmett St A-1	Binghamton	NY	13901
Greg	Nowark	3 Emmett St A-1	Binghamton	NY	13901
Raymond	O Lyak	11116 South Street Road	Pavilion	NY	14525
Randal	Oakes	1919 S. Huson Hill	Kingston	NY	12401
Nicholas	Occhcone	355 Freedom Rd	Pleasant Valley	NY	12565
George	Odlum III	31 W. Willek Drive	Red Hook	NY	12571
Carlton	O'Flanagan	32 Old Rock Cut Rd	Walden	NY	12586
Kathleen	O'Hara	375 West Hills Rd	Huntington	NY	11743
Kathleen	O'Keefe	85 William Street	Fleetwood	NY	10552
John	Oles	PO Box 22	Columbiaville	NY	12050
Mark	Osatchuck	PO 276	Odessa	NY	14869
Scott	Ostorhout	11215 R143	Ravena	NY	12143
Stephen	Ostrander	16 Pine EchoDr	Poughkeepsie	NY	12601
Danielle	Paci	18 Butler Ct.	Centereach	NY	11720
John	Page	1636 Ridge Rd	Horseheads	NY	14845
Eric	Pansegro	103 Rose Ct	Albany	NY	12209
Alan	Paqeat	83 West Street	Arcade	NY	14009
Kenneth	Parkhurst Jr.	7067 Verna Drive	Canastota	NY	13032

Mike	Parrella	168 Shultz Hill Road	Staatsburg	NY	12580
Fran	Partridge	131 Ct Rt 21	Windham	NY	12496
Peter	Pascuzzi	Rt 51	Coxsackie	NY	12051
David	Paul	95 Woodside Drive	Penfield	NY	14526
Augusto	Pavon	5528 Hemdale Dr	Williamsville	NY	14221
John	Pennel	123 Call Hollow	Pomona	NY	10970
Judith Marie	Pepenella	16 Silver Street	Patchogue	NY	11772
John	Peracciny	3600 Ewings	Lockport	NY	14094
Billy	Perkis Jr	189 Marx Street	Schenectady	NY	12304
William	Perkowski Jr.	97 W. Franklin Street	Athens	NY	12015
Robert	Perry	2259 Schoolhouse Rd	Ransomville	NY	14131
Douglas	Perry	3270 New Rd	Ransomville	NY	14131
Mark	Perry	229 Dale Road	Rome	NY	13440
Michael	Peters	2892 Brower Ave	Wayland	NY	14572
John	Peters	N. Boston	Massapequa	NY	11758
Phyllis	Peters	N. Boston	Massapequa	NY	11758
Richard	Peters	21 First Street	Athens	NY	12015
Douglas	Petersen	20 Madeleine Lane	Niverville	NY	12130
Charlie	Peterson	103 2nd Avenue E	Fonda	NY	12068
Robert	Petteys	7118 McAlpine St	Lyons Falls	NY	13368
Edmond "Ned" Peyroux		6023 Main St #3F Box 902	Tannersville	NY	12485
Jeff	Phelan	PO Box 586	Westbrookville	NY	12785
Gordon	Pienuzzi	125 Hammilton Rd	Athens	NY	12015
Donald	Pietsch	93 Forest	Springville	NY	14141
Greg	Pietsch	8955 Woodside Drive	Eden	NY	14057
David	Pigott	2380 Rt 385	Coxsackie	NY	12051
Anthony	Pilla	19 Alexander Ave	White Plains	NY	10606
Wallace	Pishtey	PO Box 19	Bloomington	NY	12721
A. D.	Plog Jr.	382 Skidmore Rd.	Pleasant Valley	NY	12569
Michael	Ploski	4 Sunnybrook Rd	Yonkers	NY	10708
Frank	Pocorobba Sr	394 Roosevelt Ave	Cairo	NY	12413
Philip	Polizotto	96 Gerald Drive Apt A	Poughkeepsie	NY	12601
Matthew	Polley	4191 Maple Grove Road	Bemus Point	NY	14712
Nicholas	Pomes	19 Parkway Blvd	Ronkonkoma	NY	11779
Frank	Pomes	19 Parkway Blvd	Ronkonkoma	NY	117799
Gary	Por	26 Brentwood Drive	North Tonawanda	NY	14120
Brian	Portlow	163 Imson Street	Buffalo	NY	14210
Milton	Portuguez	54 Doopdale Drive	Manhasset	NY	11030
Adeline	Portuguez	54 Doopdale Drive	Manhasset	NY	11030
Michele	Portuguez	1465 East Putnam Ave	Old Greenwich	CT	6870
Ferdinand	Portuguez	54 Doopdale Drive	Manhasset	NY	11030
Miranda	Post	11266HendyHollowRd	Corning	NY	14830
James	Potter	PO Box 466	Conklin	NY	13748

Lawrence	Potter	546 State Route 40	Troy	NY	12182
Eileen	Pousada	229 Joel AustinRd	Cairo	NY	12413
Michael	Pousada	229 Joel AustinRd	Cairo	NY	12413
Mark	Pratt	5 Bobble Drive	Rochester	NY	14606
Gabriel	Preda	89 Venetian Promenade	Lindenhurst	NY	11757
Jessica	Proper	240 Five Mile Wd Rd	Catskill	NY	12414
Daniel	Pudney	2747 Galway Road	Ballston Spa	NY	12020
Richard	Purdy	679 Lowy Hwy	CharloHill	NY	12036
Anthony	Quitoni	10 Endhasty Woods Ct	Miller Place	NY	11764
Frank	Quitoni	16 Idaho Ct	Coram	NY	11727
Charles	Raab	348 Coldwater Road	Rochester	NY	14624
John	Randazzo	100-3 Chateau Lane	Hawthorne	NY	10532
Nancy	Re	34 Cloverdale Ave	White Plains	NY	10603
Chris	Rebusmen	176 High Rock Rd	Coxsackie	NY	12192
Michael	Reilly	2206 Merokee Place	Bellmore	NY	11710
Kurt	Reitze	130 West Sand Lk	Wynantskill	NY	12198
Carl	Repplesec	11 Brook Hollow Lane	Windham	NY	12496
Melissa	Rice	98 New Hwy	Commack	NY	11725
Steve	Rice	98 New Hwy	Commack	NY	11725
Scott	Rice	29 Allegra Court	White Plains	NY	10603
Paul	Richardson	604 Craigville Road	Chester	NY	10918
Carol	Rieker	130 Third St	Connell	NY	12417
James	Rieker	130 Third St	Connell	NY	12417
Regina	Riely	27 Springvale Road	Crugers	NY	10520
Eric J	Rinaldi	110 Union St apt14	Schenectady	NY	12305
Yvonne	Rivera	15 Olcott Ave	Hudson	NY	10520
Steve	Roat	209 Chapel Street	Canandaigua	NY	14424
Anthony	Roberts	1302 St Rt 12B	Hamilton	NY	13346
Charles	Roberts	6773 Rapids Rd #21	Lockport	NY	14094
John	Robinson	4132 Onondage Blvd	Camillus	NY	13031
Christopher	Rodriguez	58-4641 Drive	Woodside	NY	11377
Argimiro	Rodriguez	58-4641 Drive	Woodside	NY	11377
Mark	Rohr	395 Hill Rd	Middletown	NY	10941
Peter	Romano	5005 Jacobs Hill Rd	Cortland Manor	NY	10567
Mike	Rosa	910 Harrison Hill Road	Oneonta	NY	13820
Robert	Rose Jr.	1311 Middle Road	Rush	NY	14543
Jon	Rosenberg	1539 Hubbard Rd	East Aurora	NY	14052
James	Ross	82 Pixley Rd	Chenango FKS	NY	13746
Eric	Russ	81 Hayden Street	Buffalo	NY	14210
William	Russell	554 Goodman Rd	Johnsburgh	NY	12843
Nathan	Russell	Po Box 84	Bakers Mill	NY	12811
Wendy	Russell	PO Box 17	Johnsburg	NY	12843
Patricia	Russo	PO Box 203	Round Top	NY	10473

Nick	Russo	PO Box 203	Round Top	NY	12473
Mark	Ryan	1971 Western Av	Albany	NY	12203
James	Ryan	375 West Hills Rd	Huntington	NY	11743
Gerald	Salierwo	180 Valley Road	Catskill	NY	12414
Jeanneite	Salvito	45 Wiltshire Drive	Commack	NY	11725
Kevin	Sanford	114 Jay Street	Cobbskill	NY	12043
Gladys	Santiago	301 Gaufield Ave	W. Hemp	NY	11552
Anthony	Santoro	21 Hawthorne Rd	Kings Park	NY	11754
Frank	Sapuio	2075 2nd Avenue #19-D	New York City	NY	10029
Eric	Saronsik	Bridge Street	Catskill	NY	12414
Lois	Sarvis	30 Ann Lane	Mountain Dale	NY	12763
George	Sarvis	30 Ann Lane	Mountain Dale	NY	12763
Damian	Saunders	135 Cooper Street	Oriskany Falls	NY	13425
Patricia	Savary	20 Sandy Hill Rd	Commack	NY	11725
William	Savary	20 Sandy Hill Rd	Commack	NY	11725
Glen	Schaeffer	2071 State Hwy32	Esperance	NY	12066
Bryan	Schaffer	580 Weaver Rd	Delanson	NY	12053
Wayne	Schemerhorn	103 Second Ave	Gloversville	NY	12078
Philip	Schillael	Unity Lane	New Paltz	NY	12561
Bruce	Schloss	200 Landon Ave	Catskill	NY	12414
Herbert	Schmick	949 Co. Rt 10	Curinth	NY	12822
April	Schmick	949 Co. Rt 10	Curinth	NY	12822
Charles	Schram	PO Box 181	Claverack	NY	12513
Bonnie	Schroader	4952 Rt 32	Catskill	NY	12414
Jerry	Schroades	4952 Rt 32	Catskill	NY	12414
Terry	Schultz	258 Zimmerman Street	N. Tonawand	NY	14120
Michael	Schwartz	10 Creekside Drive	Jeffersonville	NY	12748
Tim	Schweppeii	109 Warrior Way	Middleburgh	NY	12122
David	Scienze	12 Primrose Ave	White Plains	NY	10607
Raymond	Scollin	PO Box 5	Saranac	NY	12983
Irene	Scymanski	1078 Bonnie Lake	Alden	NY	14004
Rich	Scymanski	1078 Bonnie Lake	Alden	NY	14004
William	Seaman	7 Banks Ave	Johnson City	NY	13790
Michael	Seitz	19 Thornapple Drive	Gransevoort	NY	12831
Eric	Selle	3949 Lefort Rd	Strykersville	NY	14145
Donald	Sewart	35 Austin Dr	Waverly	NY	14813
Ken	Seymour	40 Lisperard Ave	New Rochelle	NY	10801
Christopher	Shakanjian	PO Box 1403	Lewiston	NY	14092
Robert	Sharpe	275 RyanGross Rd	Johnsonville	NY	12094
Charles	Sheets	28 Page Pl	Bloomfield	NY	14469
Paul	Sheridan	4 Deer Creek	Poestenkill	NY	12140
Anthony	Sherwell	167 Jay St	Albany	NY	12210
John	Shipman	138 West Avenue	East Rochester	NY	14445

Jonathan	Shipman	4432 Brantling Hill Rd	Sodus	NY	14551
Steven	Shoemaker	1580 State Route 69 #20	West Monroe	NY	13167
Andrew	Short	11333 Duaneburg Road	Delanson	NY	12053
Daniel	Sierson	4822 State Route 233	Westmoreland	NY	13490
Merle	Sinko	811 Larchmont Av	Elmira	NY	14905
Kurt	Sinks	2335 Kelly Dr	Alleghany	NY	14706
Daniel	Skampovle	814 Mansion O	Ogdensburg	NY	13669
Denise	Skewes	114 Buttermilk Falls Rd	Catskill	NY	12414
James	Skewes	114 Buttermilk Falls Rd	Catskill	NY	12414
Joseph	Skues	35922 Jefferson Ave	Harrison Township	NY	48045
Terry	Slocum	30 Country Club Drive	New York Mills	NY	13417
Theodora	Smith	Cornelia Ave	Charlton	NY	12019
Richard	Smith	729 Cutler St	Schenectady	NY	12303
Robert G	Smith	537 Ct County Rt 27	Bainbridge	NY	13733
Glen	Smith	2174 HanoverHill Rd	Wellsville	NY	14895
Dennis	Smith	2886 Valley View Lane	Strykersville	NY	14145
Jamie	Smith	2886 Valley View Lane	Strykersville	NY	14145
Barry	Snyder	36 Myrtle St	Jamestown	NY	14701
Patrick	Sodders	2880 Sleepy Hollow Rd	Athens	NY	12015
Michael	Sottile	22419 92 Avenue	Belleuouse	NY	11428
Thomas	Spagnela	9 Compton Rd	Clifton Park	NY	12065
Louis	Spettel	15 Caroline Av	Mt. Vision	NY	13810
Stephen	Spinolla	341 Route 292	Holmes	NY	12531
Glen	spofford	3 Tieman Rd	Scotin	NY	12302
Steven	Spucces	510 Broadhollow Rd Suite 209	Melville	NY	11747
Gary	Stalter	388 Indian Run Rd	Cooperstown	NY	13326
Michael	Statler	388 Indian Run Rd	Cooperstown	NY	13326
Robert	Stefanko	7591 State Rte 23	East Windham	NY	12439
Doreen	Steinhauer	PO Box 596	Cairo	NY	12413
Jacqueline	Stellone	177 Skyline Dr	Melrose	NY	12121
Jessica	Stevens	230 Five Mile Woods Rd	Catskill	NY	12414
Laura	Stevens	82 Thanas Drive	Leeds	NY	12451
David	Stevons	2535 Main St	Mechanisville	NY	12118
Keith	Stone	3806 Crittenden Rd	Akron	NY	14001
Alan	Strait	1647 Spring Av	Wynantskill	NY	12198
Michael	Stroco	45 Hilst St	Walden	NY	12586
Kirk	Strohmayer	22 Unity Court	Nesconset	NY	11767
William	Strub	114 Old Albany Post	Ossining	NY	10562
Allen	Summers	PO Box 166	Sherburne	NY	13460
Harry	Swackhammer Jr	252 Daugherty Rd	Eddicoti	NY	13760
Robert	Swatling	754 Carlton Rd	Clifton Park	NY	12065
Nicholas	Sweett	2323 Rt. 209	Hurley	NY	12443
Christopher	Sylvester	405 N. Caroline Street	Herkimer	NY	13356



Patrick	Tadeushuk	2 Sunnyside Drive	Yonkers	NY	10705
Anthony	Tambini	95 Beecher Road	East Jewett	NY	12424
Joseph	Tanski	2865 Rt. 98	Varysburg	NY	14167
Josh	Tator	246 Silvernail Road	Valatie	NY	12184
James	Taylor	8670 Erie Canal Rd	Croghan	NY	13327
Joseph	Teets Jr	168 Denver Ave	Horseheads	NY	14845
B. Lynn	Teger	5 Simenousky Drive	Haverstraw	NY	10927
Martin	Tenenbaum	47 Paret Lane	Hartsdale	NY	10530
Erick	Thackrah	639 New Salem Road	Voorheesville	NY	12186
David	Thackrah	PO Box 15	Voorheesville	NY	12186
James	Theononea	193 Black Meadow Road	Chester	NY	10981
Erik	Thomas	354 Michigan Ave	Schenectady	NY	12303
Clifton	Thompson	3941 Rt 214 PO Box 707	Hunter	NY	12442
Chris	Tierney	21 Gretnahill Rd	Pleasant Valley	NY	12567
Tom	Tighe	144 Herrick Hill Road		NY	13810
Anthony	Tonniel	1030 Township Road	Altamont	NY	12009
Jeff	Trainor	356 Greene Road	Greenfield	NY	12833
James	Tranquill	35 1/2 Chamberlain St	Rochester	NY	14609
James	Tranquill	35 1/2 Chamberlain St	Rochester	NY	14609
Brian	Traynor	18065 Cross Rd	Watertown	NY	13601
Richard	Trazino	345 Brace Hollow Road	Andes	NY	13731
Stephen	Treacy	4QueenAnn Ln	Wappinger Falls	NY	12596
Tanya	Trevett	241 Cape Cod Way	Rochester	NY	14623
George	Tripsas	804 County Rt 21	Windham	NY	12406
Joseph	Trudeau	PO Box 5224	Syracuse	NY	13220
Gene	Truesdell	94 N Franklin St	Athens	NY	12015
Gus	Truin	4 Madolin Ct	Tivoli	NY	18587
Marco	Tufo	3894 Mill Road	Seaford	NY	11783
Wallace	Turner	104 London Sq Drive	Clifton Park	NY	12065
Wallace	Turner	104 London Sq Drive	Clifton Park	NY	12065
Karl	Twetan	12 McGarr Rd	Peru	NY	12972
Eugene	UnserJr	417 County Rt 10	Corinth	NY	12822
Clair	Updyke	PO Box 815	Andover	NY	14806
Joe	Vadney	Rt 51	Hannacroix	NY	12087
Ann Marie	Vadney	48 Rocky Road	North Coxsackie	NY	12192
Walter	Vaillantcourt	5 Shoreham Dr	Brewster	NY	10509
Anthony	Valens	138 Oak Street	Yonkers	NY	10901
Rodney	VanBenschoten	PO Box 515	Westmireland	NY	13490
Paul	Vandyke	1121 Cutler St	Schdny	NY	12307
Deric	Vanwie	20 Brigadier St	Albany	NY	12205
Peter	Varelas	PO Box 629	Windham	NY	12496
James	Varelas	2343 RT 23C	East Jewett	NY	12424
Juan	Vega	11 Bronx River Rd #4J	Yonkers	NY	10704



Edward	Ventry	6038 East Avenue #5	Newfane	NY	14108
Frenki	Verbanal	10-10 166th Street	Whitestone	NY	11351
Vincente	Verduzco	23 South Ampton Street	Erie	NY	14209
Toni Lee	Vespucci	240 Five Mile Wd Rd	Catskill	NY	12414
Anthony	Vespucci	240 Five Mile Wd Rd	Catskill	NY	12414
Louis	Vespucci	240 Five Mile Wd Rd	Catskill	NY	12414
Nicholas	Vespucci	240 Five Mile Wd Rd	Catskill	NY	12414
Keith	Vincent	44 Pheasant Run	Voorheesville	NY	12186
John	Vlahopoulos	23 Wildwood Ln	Greenvale	NY	11548
William	Volinsky	14 Madison Avenue	Albany	NY	12205
Alan	Vrooman	168 Putnam Rd	Schenectady	NY	12306
Bruoe	Wakepiold	2229 Pine Ave	Ronkonkoma	NY	11779
A.	Wakl	PO Box 4022	Kingston	NY	12402
Joseph	Walker	9314 Ouleoul Rd	N. Brookfield	NY	13418
John	Wallace	143 Longview Drive	Chatham	NY	12037
Frank	Walsh	21 Robin Hill Drive	Poughkeepsie	NY	12603
Mike	Warzel	714 County Rt7	Schodack	NY	12063
R.	Waters	PO Box 85	Bayville	NY	11709
Mary	Watkins	342 Chapel Street	Lockport	NY	14094
Chris	Waugh	457 Crawford Street	Pine Bush	NY	12566
Richard	Wayner	9255 Lake Rd	Barker	NY	14012
Heidi	Wayner	174 Stone Arabia Rd	Fort Plains	NY	13339
Dirk	Weaver	2005 Rt 29	Galway	NY	12074
Stuart	Weaver	128 Cobblestone Drive	Rochester	NY	14623
Greg	Weber	11-41 Crescent Dr	Thiells	NY	10984
Michael	Weiss	193 S. Shore Dr.	Wurisboro	NY	12790
Tyler	Weiss	46 Carol Lane	Poughquag	NY	12570
Frances	Weissman	112 Delaware Ave	Ithaca	NY	14850
Eduard	Weissman	112 Delaware Ave	Ithaca	NY	14850
Dennis	Wellman	355 Naylor Corner	Laurens	NY	13796
Kathy	Wendelken	2 Deer La.	Wantagh	NY	11793
Mark	West	5649 Rottamae Rd	Vernan Center	NY	13477
Robert	West	7420 Quarry Rd	Sodus	NY	14551
William	Wheatley	1056 Newport Gray Road	Newport	NY	13416
Deborah	White	2103 Fiero Ave	Schenectady	NY	12303
Daniel	Wilkosz	1843 Saunders Settlement Rd	Niagara Falls	NY	14304
James	Williams	3215 County Rd7	Montoor Falls	NY	14865
Meredith	Williams	933 Co. Rt. 29	Oswego	NY	13126
Jason	Williams	933 Co. Rt. 29	Oswego	NY	13126
Frank	Williams	151 Mineral Springs Road	Buffalo	NY	14210
Steven	Willis	64 Puggi Terrace	Wappingers Falls	NY	12590
Keith	Wilmont	550 Schohurle Tpke	Athens	NY	12015
R. E.	Wilt	317 Parma View Drive	Hilton	NY	14468

Edward	Wolfe	34 Hillvale Rd	Albertson	NY	11507
John	Wolfen	7438 Dewiti	Bliss	NY	14024
Timothy	Woolley	PO Box 171	Schoharie	NY	12157
Ashley	Woolley	PO Box 171	Schoharie	NY	12157
Jeffrey	Yamada	206 Iceland Dr	Huntington Sta.	NY	11746
Jim	Yates	51 County Rt 402	Westerlo	NY	12193
Howard	Yel	9 Virginia Ave	Dobbs Ferry	NY	10522
Robert	Young	8 Academy Ave	Sloatsburg	NY	10974
Albert	Zaepfel	3407 McRoun Ave	Niagara Falls	NY	14305
Steven	Zaepfel	3902 Mason Ave	Niagara Falls	NY	14305
Carol	Zangla	1680 High Hill Rd	Earlton	NY	12058
Christopher	Zeunges	56 Lambert Drive	Queensbury	NY	12804
Robert	Zimmer	14 Woodstead Rd	Ballston Lake	NY	12019
Kevin	Foster	1572 Welcher Rd	Newark	NY	14513
Amy	Foster	1572 Welcher Rd	Newark	NY	14513
Clair	Brownel	4 Maple Drive	Andweep	NY	13608
Michael, sr	Brownel	4 Maple Drive	Andweep	NY	13608
Michael	Brownel	4 Maple Drive	Andweep	NY	13608
Barbara	Dalton	243 Smith Rd	Pleasant Valley	NY	12569
Michael	Dalton	243 Smith Rd	Pleasant Valley	NY	12569
Luke	Cierniak	29 Bennett Street	Poughkeepsie	NY	12601
Alicia	Catucci	18 Birch Hill Dr	Poughkeepsie	NY	12603
Charles	Richwine	22 on the Green	Verbank	NY	12585
Jaylyn	Richwine	22 on the Green	Verbank	NY	12585
Kevin	Branley	570 North Quaker	Hyde Park	NY	12538
Jonathan	Broker	63 Hudson Lane	Ulster Park	NY	12487