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**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

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**Unified United States Common Law Grand Jury;**<sup>1</sup>  
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace<sup>2</sup>

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AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY;

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Grand Jury, Sovereigns of the Court  
We the People

- Against -

Governor A. Cuomo, N.Y.S. Senate Majority  
Leader John J. Flanagan and N.Y.S. Assembly  
Speaker Carl E. Heastie

Defendants

Jurisdiction: Court of Record, under  
the rules of Common Law<sup>3</sup>

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

**Decision and Order**

**Default Judgment; Entering a Default:** *“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default.”* FRCP Rule 55(a); FRCP Rule 58(b)(2); 28 U.S.C. §2243.

**COMES NOW THE ABOVE-ENTITLED COURT OF RECORD,** to review the record, summarily determine the facts, and dispose of the matter as law and justice require.<sup>4</sup>

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<sup>1</sup> **The UUSCLGJ** is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

<sup>2</sup> **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

<sup>3</sup> **"A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

<sup>4</sup> 28 U.S.C. §2243.

The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

**NOW, THEREFORE, THIS COURT OF RECORD** issues this Default Judgment Coram Ipso Rege to dispose of the matter as law and justice require, to wit:

### **SUMMARY**

On April 1, 2017, the Grand Jury acting as the Sureties of the Peace on behalf of the People filed in the above-entitled court of record and served upon the Governor and both houses of New York, a writ mandamus to show cause by what authority they act statutorily against the People thereby infringing upon the Peoples' unalienable right to keep and bear arms, protected by the 2<sup>nd</sup> Amendment and therefore turning a right into a crime thereby being repugnant to both the Constitution for the United States of America and the New York State Constitution.

*"The claim and exercise of a constitution right cannot be converted into a crime."* -- Miller v. U.S. 230 F 486 at 489

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

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

The Writ Mandamus to Show Cause presented issues of both fact and law. All respondents were duly<sup>5</sup> served with the Order to Show Cause. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings.

### **JURISDICTION OF THIS COURT**

**Article III Section 2:** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

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<sup>5</sup> Duly: According to law, in both form and substance. Black's 6<sup>th</sup>.

## AUTHORITY OF THE GRAND JURY AS SURETIES OF THE PEACE

*“If any of our civil servants shall have transgressed against any of the people in any respect; and, they shall ask us to cause that error to be amended without delay; or, shall have broken some one of the articles of peace or security; and, their transgression shall have been shown to four (4) Jurors of the aforesaid twenty five (25); and, if those four (4) Jurors are unable to settle the transgression, they shall come to the twenty-five (25), showing to the Grand Jury the error which shall be enforced by the law of the land.”* Magna Carta, June 15, A.D. 1215, 61.

Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *“The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a ‘presentment or indictment of a Grand Jury’.* Cf. *Costello v. United States*, 350 U.S. 359, 361-362 (1956). *The grand jury’s historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions.* *Branzburg v. Hayes*, 408 U.S. 665, 686-687 (1972).”

*“[R]ooted in long centuries of Anglo-American history,”* *Hannah v. Larche*, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), *the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It “ ‘is a constitutional fixture in its own right.’ ”* *United States v. Chanen*, 549 F.2d 1306, 1312 (CA9 1977) (quoting *Nixon v. Sirica*, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). *In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people.* *Stirone v. United States*, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); *Hale v. Henkel*, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, *The Grand Jury* 28-32 (1906). *Although the grand jury normally operates, of*

*course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office.* United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

## **FINDINGS OF FACT**

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

## **CONCLUSIONS OF LAW**

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

**IT IS ORDERED AND ADJUDGED THAT:**

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

**THE COUNTY SHERIFFS IS HEREIN ORDERED** to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the Sovereign People for the exercising of their unalienable “right to keep and bear Arms”, protected by the 2<sup>nd</sup>

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*<sup>6</sup>

**THE COURT**, entered this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

SEAL

\_\_\_\_\_  
Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for We the People

SEAL

  
\_\_\_\_\_  
Grand Jury Foreman

<sup>6</sup> Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20  
Default Judgment Page 5 of 5 [www.NationalLibertyAlliance.org/docket](http://www.NationalLibertyAlliance.org/docket)