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

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

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

Sureties of the Peace²

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, WY, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

Governor A. Cuomo, et al
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴ (see form 7 attached)

Case NO: 1:16-CV-1490
Magistrate: Daniel J. Stewart

WRIT OF ERROR CORAM NOBIS⁵

THE COURT⁶ **COMES NOW** to review the facts, record, and process. The record shows that on June 14, 2017, without any Constitutional authority, self-appointed U.S. District Judge Lawrence E. Kahn, ignoring the random selection process that appointed Magistrate

¹ **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.

² **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.

³ **"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.

⁴ **AT LAW:** Bouvier's - 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.

⁵ **ERROR CORAM NOBIS** - Error committed in the proceedings "before us;" error assigned as a ground for reviewing, modifying, or vacating a judgment in the same court in which it was rendered. A writ to bring before the court that pronounced judgment errors in matters of fact which had not been put in issue or passed on and were material to validity and regularity of legal proceeding itself. - Hiwassee Lumber Co. v. United States, C.C.A.N.C., 64 F.2d 417, 418.

⁶ **COURT** - [Black's, 4th] The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be.; 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 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;

Daniel J. Stewart to this case, trespassed upon the case conducting his own court without notice or concurrence of the parties; without notice to the administrator Magistrate Daniel J. Stewart; without jurisdiction; without due process and under color of law⁷ acted in an attempt to seize control of this court, an act of a tyrant, by manufacturing an UNLAWFUL ORDER (*see attached*) to dismiss this action without prejudice, thereby aiding and abetting the covering up of murder; torture; manipulation of evidence, witnesses and juries in order to incarcerate innocent People who are a threat to exposing judicial and law enforcement corruption and RICO on a national level; conspiracy to supplant the Law of the Land with statutes, thereby replacing our Republic with Corporatism; political incarcerations; covering up the murder of inventors who are a threat to corporate profits, denying due process; robbing Peoples' homes and estates; taking Peoples children; running debtors prisons, covering up and protecting pedophile rings, etc...

"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.

The genius of a court of record is not to be undermined. It is the unalienable right of every American to settle criminal cases in a court of record; Federal District Courts are creatures of Congress, inferior to the "One Supreme Court" which is "vested by We the People ourselves through the Constitution for the United States of America. Federal District Court judges hold their office during good behavior, that is to say obedience to the "One Supreme Court" under Article III Section 1 and the "Law of the Land" under Article VI clause 2. The unalienable right of "free access" to the Peoples courts is settled law that "all judges are bound by oath to obey."

If self-appointed U.S. District Judge Lawrence E. Kahn read our papers, he would understand that, unlike the unjust courts he presides over, this is an Article III Court in which indictments will be filed and criminal cases will be tried. We the People are acting

⁷ 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

as grand juries to indict people that the corrupt judiciary will not, whereby untainted trial juries will preside over. The U.S. Attorney General will be providing U.S. Prosecutors or approve a special common law prosecutor. Nevertheless, the 6th Amendment provides for assistance of counsel for defense, not BAR or Attorney counsel. Judge Lawrence E. Kahn would also understand that we are not a corporation, partnership, or an association; we are the People, under the authority of the Grand Jury because all federal juries have been seized by the judiciary.

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.” - Bill of Rights Amendment VI.

Self-appointed Judge Lawrence E. Kahn made it clear, by his actions, that he believed he was the owner of the courtroom; not ~~We~~ the ~~People~~. He was not satisfied with the lawful rules of court; he became a loose cannon and imposed his own rules, and rules of another jurisdiction foreign⁸ to this court of record. Papers concerning numerous felonies such as subversion against the United States of America, murder, kidnaping, false imprisonment, pedophilia, etc., have been filed in this case. The law provides that the judiciary is to respond and not conceal as was attempted by Judge Lawrence E. Kahn, who is now in jeopardy of indictment in violation of 18USC §4⁹, 18USC §1001¹⁰ and felony rescue.

⁸ **Law of the case lines 399-401** - "'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.; 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.

⁹ **18 USC §4 - Misprision of felony provides:** *Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.*

¹⁰ **18 U.S. Code § 1001 - Statements or entries generally** (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8

Furthermore, elected and appointed officials have a duty to speak¹¹ and ~~We~~ the People have an unalienable right of redress and remedy. This court will not permit one rogue judge to subvert that unalienable right of due process.¹²

Furthermore, without proper authority, self-appointed Judge Lawrence E. Kahn trespassed upon the case and, by his actions and statements, figuratively assumed the cloak of a tribunal¹³. The record shows that the rules of the court were not followed, that self-appointed Judge Lawrence E. Kahn attempted to function as a tribunal, and that the court was ineffective in furthering the goal of justice for all. These failures to follow the prescribed procedures are sufficiently disruptive to the goal of providing fair justice in that the sovereigns¹⁴ of the court finds it necessary to issue a writ of error Coram Nobis as follows:

The sovereigns of the court, having reviewed the facts, the record, and the process by which the ruling was issued, and finding that Judge Lawrence E. Kahn rendered a ruling under color of law by seizing control and applying rules from jurisdictions foreign to this court without leave of court; and finding that the orderly decorum of the court was replaced by defective impromptu process and usurpation of legislative and court powers without leave of court.

years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

¹¹ "Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . ." U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

¹² Due course of law, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice. - Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542.

¹³ The tribunal is independent of the magistrate (judge) 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.; 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,

¹⁴ "'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.; "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.

American Jurisprudence (Constitutional Law) §326; Free Justice and Open Courts; Remedy for All Injuries - in most of the state Constitutions, there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike¹⁵. These provisions are based largely upon the Magna Charta, chap. 40, which provides; “We will sell to no man. We will not deny to any man either justice or right.” The chief purpose of the Magna Charta provision was to prohibit the King from selling justice by imposing fees on litigants through his courts and to deal a death blow to the attendant venal and disgraceful practices of a corrupt judiciary in demanding oppressive gratuities for giving or withholding decisions in pending causes. It has been appropriately said that in a free government the doors of litigation are already wide open and must constantly remain so. The extent of the constitutional provision has been regarded as broader than the original confines of Magna Charta, and such constitutional provision has been held to prohibit the selling of justice not merely by magistrates but by the State itself. Therefore, a denial of access into the Peoples courts’ of justice for refusing to pay a fee would be a violation of plaintiff’s unalienable right of due process protected under the V Amendment.

The Court would like to reiterate the following information and memorandums (found at www.nationallibertyalliance.org/docket) that define the process and rules of this Article III Court of Record:

- 1) Information Brief Clarifying this Extraordinary Proceeding,
- 2) Memorandum of Facts,
- 3) Memorandum of Law in Support of the Authority Grand Jury,
- 4) Memorandum of Law in Support of Standing,
- 5) Memorandum Jury Tampering and Stacking,
- 6) Memorandum of Law in Support of Understanding Our Founding Documents,

¹⁵ It is the unalienable right of every American to settle issues in a court of record, if he so chooses; The court is to take judicial notice of Federal Rules of Evidence 201(d) concerning Judicial Notice of Adjudicative Fact that Plaintiff has a lawful right to proceed without cost, based upon the following U.S. Supreme Court ruling that “a natural man or woman is entitled to relief for free access to its judicial tribunals and public offices in every State in the Union” 2 Black 620, see also Crandell v. Nevada, 6 Wall 35; “Plaintiff should not be charged fees, or costs for the lawful and constitutional right to petition this court in this matter in which he is entitled to relief, as it appears that the filing fee rule was originally implemented for fictions and subjects of the State and should not be applied to the Plaintiff who is a natural individual and entitled to relief” Hale v. Henkel 201 U.S. 43.

- 7) Memorandum of Law in Support of the Common Law,
- 8) Memorandum of Law in Support of Article III Courts,
- 9) Statement of Jurisdiction,
- 10) Jurisdiction Notice to Magistrate,
- 11) Memorandum in Support of Jurisdiction.

Therefore, the sovereigns of this court of record, reminding all officers of the court of record that any statute or rule repugnant to the Constitution is null and void¹⁶ in a court of record and thereby issues this Writ of Error Coram Nobis, to wit; reversing the order by Judge Lawrence E. Kahn of the inferior court not of record from jurisdictions unknown, thereby returning the court back to the tribunal.

THE COURT IMPEACHES AND RESCINDS THE STATEMENT BY JUDGE LAWRENCE E. KAHN IN THAT HE DID MAKE AN UNLAWFUL DECISION AND ORDER, AND THIS COURT ORDERS JUDGE LAWRENCE E. KAHN TO CEASE AND DESIST FROM ASSUMING THE ROLE OF TRIBUNAL.

SO ORDERED AND ORDAINED.

SEAL

DATED: June 19, 2017



Grand Jury Foreman

¹⁶ **NULL & VOID** *"All laws, rules and practices which are repugnant to the Constitution are null and void"* -- Marbury v. Madison, 5th US (2 Cranch) 137, 180; *"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; "... 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.